

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

Thursday, June 14, 1973

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

Prayer by the Rev. Mr. Kendrick Child of Lisbon Falls.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Kelleher of Bangor presented the following Order and moved its passage:

ORDERED, that Thomas Cox of Bangor be appointed Honorary Page for today.

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

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices" (H. P. 1497) (L. D. 1924) reporting that the House recede from passing the Bill to be engrossed, adopt Conference Committee Amendment "A" (H-565) submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-565);

that the Senate recede from accepting the Minority "Ought not to pass" Report, adopt Conference Committee Amendment "A" (H-565) submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-565).

Signed: EVANS of Freedom, COONEY of Sabattus, ALBERT of Limestone — on part of the House.

HICHENS of York, CYR of Aroostook, ANDERSON of Hancock — on part of the Senate.

The Report was read.

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

Mr. COONEY: Mr. Speaker and Members of the House: I move acceptance of the unanimous Conference Report and would explain briefly that the disagreement between the bodies was on the ex-

tent to which this law could be utilized, and what the Conference Committee agreed to was to a limitation of the duties of the Commissioner of Agriculture to only those watershed areas where there were endangered bodies of water. And we have used a study prepared and updated by the Department of Environmental Protection as a guide by reference in the committee amendment. So I move its acceptance.

Thereupon, the Report was accepted. The House voted to recede from its action whereby the Bill was passed to be engrossed. Conference Committee Amendment "A" was read by the Clerk and adopted. The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Prohibiting the Acceptance of Money for Enrollment of Voters" (H. P. 1270) (L. D. 1645) reporting that the House recede from Enactment, that it recede from passing the Bill to be engrossed as amended by Committee Amendment "A" (H-345), recede from adopting Committee Amendment "A", indefinitely postpone Committee Amendment "A", adopt Conference Committee Amendment "A" (H-564) submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A".

that the Senate recede from passing the Bill to be engrossed as amended by Committee Amendment "A" (H-345), recede from adopting Committee Amendment "A", indefinitely postpone Committee Amendment "A", adopt Conference Committee Amendment "A" (H-564) and pass the bill to be engrossed as amended by Conference Committee Amendment "A".

Signed: ROSS of Bath, BOUDREAU of Portland, ROLDE of York — on part of the House.

BRENNAN of Cumberland, MOR-

RELL of Cumberland, SHUTE of Franklin — on part of the Senate.

The Report was read.

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

Mr. ROSS: Mr. Speaker and Members of the House: Conference Committee Amendment "A" has just now been passed out under filing H-564. This is complicated because we indefinitely postponed certain things and adopted others, and so I will briefly explain what we did.

The original bill made it unlawful to accept money for enrollment of voters except for city and town clerks, and the reason for that was because they are paid. They are not paid to do this specific thing, but they are paid.

Both state political parties were worried that they couldn't seek registration because certain of their employees were paid. So we adopted House Amendment "A" which excepted paid executive employees. However, this was defeated in the other body because they did not consider that it was inclusive enough.

Conference Committee Amendment "A" crossed out "paid" and inserted "salaried" employees, and it crossed out the word "executive" and it crossed out "state committee" and made it "any political committee," and it crossed out "enrollment program for their respective parties." However, it added the most important thing, and this is, it said, "The payment of a specific sum or bonus for a specific enrollment is prohibited in all cases." This is now all inclusive and covers the entire subject and was approved by all the members of the Conference Committee.

Thereupon the Report was accepted. The House voted to recede from its action whereby the Bill was passed to be enacted. The House voted to recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" and the adoption of Committee Amendment "A" and the Amendment was indefinitely postponed. Conference Committee Amendment "A" was read by the Clerk and

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

Papers from the Senate

From the Senate: The following Communication: (S. P. 665)

Advisory Commission For
The Study of Public Support
For Post-Secondary Education
in Maine

June 12, 1973

Honorable Members of the 106th
Maine Legislature:

The Advisory Commission for the Study of Public Support for Post - Secondary Education in Maine is pleased to submit this report as its response to S. P. 473 — L. D. 1492 of the 105th Legislature, directing the Commission to review and investigate the present and future economic needs of post-secondary educational institutions in Maine and their ability to meet emerging needs of future Maine students, and to study present programs of publicly supported financial assistance to Maine students and develop recommendations, if necessary, for new or additional responses to increasing student needs.

The Commission is indebted to members of the staff of the Chancellor's Office of the University of Maine and the Commissioner's Office of Educational and Cultural Services, who researched and compiled the data, on which the Commission makes its recommendations to the 106th Legislature.

The Commission feels that the report is thoroughly researched and documented. It deserves the careful consideration of all who recognize that the opportunity for a post-secondary education for all residents of this state, who desire such an education, and are properly qualified therefor, is important to the welfare and security of this state.

For the Advisory Commission,
(Signed)

FRANCIS T. FINNEGAN,
Chairman

Came from the Senate with the Communication read and with accompanying papers placed on file.

In the House, the Communication was read and with accompanying

papers ordered placed on file in concurrence.

Leave to Withdraw Covered by Other Legislation

Committee on State Government on Bill "An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council" (S. P. 501) (L. D. 1708) 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.

Bill Substituted for Report

Same Committee reporting same on Bill "An Act Relating to Joint Standing Committees of the Legislature" (S. P. 560) (L. D. 1731).

Came from the Senate with the Report read and accepted.

In the House, the Report was read.

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

Mr. SIMPSON: Mr. Speaker, I move the bill be substituted for the report.

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

Mr. MARTIN: Mr. Speaker, could the gentleman tell us why?

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

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think a lot of us have heard and been talking about hoping that the joint standing committees could be kept busy during the off-session period, and that definitely is part of the legislative reform package. I am very optimistic that a legislative reform package would go through. But I do believe that we should keep a vehicle alive should it not, so at least the joint standing committees bill could be worked with so that the joint standing committees would be able to work during the interim period in lieu of the Legislative Research Committee.

Thereupon, the Bill was substituted for the Report in non-concurrence, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution to Enlarge the Executive Council and Provide for Selection of the Council by the People. (S. P. 472) (L. D. 1516) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. CLIFFORD

of Androscoggin

SPEERS of Kennebec

— of the Senate.

CROMMETT

of Millinocket

Messrs. GAHAGAN of Caribou

FARNHAM of Hampden

COONEY of Sabattus

STILLINGS of Berwick

BUSTIN of Augusta

CURTIS of Orono

SILVERMAN of Calais

Mrs. NAJARIAN of Portland

— of the House.

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

Report was signed by the following member:

Mr. WYMAN of Washington

— of the Senate.

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

In the House: Reports were read. On motion of Mrs. Najarian of

Portland, the Majority "Ought not to pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act to Redistribute Certain Statutory Powers now Vested in the Executive Council, to Abolish the Legislative Research Committee to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial Budget" (S. P. 661) (L. D. 2021) report "Ought to pass" pursuant to Joint Order (H. P. 1566).

Report was signed by the following members:

Messrs. CLIFFORD

of Androscoggin
SPEERS of Kennebec
— of the Senate.

Messrs. CURTIS of Orono

GAHAGAN of Caribou
FARNHAM of Hampden
COONEY of Sabattus
CROMMETT

of Millinocket
BUSTIN of Augusta

Mrs. GOODWIN of Bath

NAJARIAN of Portland
— of the House.

Minority Report of the same Committee on same bill reporting "Ought not to pass" pursuant to Joint Order (H. P. 1566).

Report was signed by the following member:

Mr. WYMAN of Washington
— of the Senate.

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

In the House: Reports were read.

On motion of Mr. Curtis of Orono, the Majority "Ought to pass" Report was accepted in concurrence. The Bill was read once and assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act Relating to Possession of Firearms by Persons Convicted of Criminal Offenses" (S. P. 507) (L. D. 1596) which the House accepted the Majority "Ought not to pass" Report on June 12.

Came from the Senate with that body insisting on their action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-218) in non-concurrence.

In the House: On motion of Mr. Perkins of South Portland, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Equalizing the Financial Support of School Units" (H. P. 1561) (L. D. 1994) which the House passed to be engrossed on June 4.

Came from the Senate with the bill passed to be engrossed as amended by Senate Amendment "A" (S-227) in non-concurrence.

In the House: On motion of Mr. Tyndale of Kennebunkport, the House voted to recede and concur.

Messages and Documents

The following Communication:
The Senate of Maine
Augusta

June 13, 1973

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

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Provide a Maine Citizen's Preference on State Civil Service" (H. P. 678) (L. D. 885).

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

Senators:

RICHARDSON
of Cumberland
SPEERS of Kennebec
CLIFFORD
of Androscoggin
Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
State of Maine

One Hundred and Sixth Legislature
Committee on Business Legislation
June 12, 1973

Honorable Richard D. Hewes
Speaker of the House
of Representatives
State House
Augusta, Maine 04330
Dear Speaker Hewes:

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

Total Numbers of Bills Received

Ought to Pass	107
Ought not to Pass	34
Ought to Pass as Amended	17
Ought to Pass in New Draft	13
Divided Report	21
Leave to Withdraw	10
Referred to Another Committee	2

(Signed)

Sincerely,

CLAUDE N. TRASK
House Chairman

The Communication was read and ordered placed on file.

Orders

On motion of Mr. Bither of Houlton, under suspension of the rules and pursuant to Joint Order 1590, Bill "An Act Relating to Representation of Boards of School Directors, House Paper 99, L. D. 120, was recommitted to the Committee on Education in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committees Leave to Withdraw

Covered by Other Legislation

Mr. Gahagan from the Committee on State Government on Bill "An Act to Repeal the Maine Industrial Building Authority" (H. P. 2) (L. D. 2) reporting Leave to Withdraw as covered by other legislation.

Same gentleman from same Committee reporting same on Bill "An Act to Repeal the Maine Recreation Authority" (H. P. 8) (L. D. 8).

Mr. Farnham from same Committee reporting same on Bill "An Act Relating to Guarantees by the Maine Industrial Building Authority" (H. P. 820) (L. D. 1084).

Mr. Henley from the Committee on Judiciary reporting same on Bill "An Act Relating to Discrimination Against Persons who Refuse to Perform or Assist Abortions" (H. P. 739) (L. D. 952)

Same gentleman from same Committee reporting same on Bill "An Act Prohibiting the Use and Sale of Human Fetus for Experimentation" (H. P. 681) (L. D. 888).

Same gentleman from same Committee reporting same on Bill "An Act Relating to Reporting of Data of Abortions Performed by an Attending Physician" (H. P. 680) (L. D. 887)

Mr. Gauthier from same Committee reporting same on Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosures" (H. P. 1300) (L. D. 1736)

Mrs. Wheeler from same Committee reporting same on Bill "An Act to Prevent Criminal Abortion

Practices" (H. P. 1373) (L. D. 1824).

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mrs. Najarian from Committee on State Government on Bill "An Act Revising the Reorganization of the Department of Manpower Affairs" (H. P. 1004) (L. 1331) reporting "Ought to pass" in New Draft (H. P. 1613) (L. D. 2030) under same title.

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

Divided Report

Report A of the Committee on State Government on Bill "An Act Establishing the Office of Constituent Services" (H. P. 427) (L. D. 576) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. CLIFFORD

of Androscoggin
SPEERS of Kennebec

— of the Senate.

Messrs. CURTIS of Orono
FARNHAM of Hampden
GAHAGAN of Caribou
— of the House.

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

Report was signed by the following members:

Messrs. BUSTIN of Augusta
SILVERMAN of Calais
COONEY of Sabattus

Mrs. GOODWIN of Bath
NAJARIAN of Portland

Reports were read.

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

Mr. CURTIS: Mr. Speaker, I move acceptance of Report A, the "Ought not to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves the acceptance of Report A "Ought not to pass."

The gentleman may proceed.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This is a very interesting idea

that was initially presented two years ago. It is a bill to provide for an ombudsman, and the State Government Committee then re-wrote it into this bill to provide for an Office of Constituent Services. The intent was to provide an office when we are not in regular session through which our individual constituent problems could be handled—in other words, some professional staff assistance for individual legislators and their problems.

The gentleman from Dixfield, Mr. Rollins, returned again this session and introduced exactly what the State Government Committee had been suggesting two years ago, and now I find myself perhaps in the embarrassing situation of opposing the bill. And I would like to explain just briefly that my reason is that I think with the increase in staff provided to the legislature and the permanent staff members that we have available, as well as the proposals to continue having the joint standing committees meet in the interim and provide a little more expertise that way, we are better served to go in the direction of a continuation of the legislative reform in the two packages that are being proposed than to go in the direction of this proposed Office of Constituent Services at least at this time.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I see nothing in the legislative reform package that would provide this kind of service which I feel is needed very badly by the members of this legislature. I think we have all heard enough about what this bill says so that I don't need to discuss it. Representative Curtis has done that very well, and I am sure there are others who will.

What I would like to tell you, though, as many of us are aware in these hectic days, it is impossible to be in two places at one time, and I was unable to attend the Executive Session of the State Government Committee yesterday. Therefore, my name does

not appear on the committee report. It should appear on the "ought to pass" side, which would make the "ought to pass" a majority report of the committee.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Members of the House: To start with, I would ask for a division on this motion of Mr. Curtis from Orono.

I would like to thank the gentleman from Berwick, Mr. Stillings, for his explanation as to why his name is not on here.

There are two major objections to this bill. Number one is that it is a job of the legislature. Now, Mr. Stillings has already told you that some of us at least are too busy to do a good job on these problems that we have.

I think the other major objection was the cost. I would hope that that could be amended away, and I will tell you why, because of the increase in staff. I do feel that the rank and file legislator in this House should have some use from this staff, and at the present time, as far as I can ascertain, it is only the leaders who are deriving any help from these people.

I believe that during the summer, at least, when we are all away from here, that one of these people could be designated as an ombudsman, if you will; someone that we could either write to or telephone to with our problems, and they could be resolved here through one office. Too, I have told you before, we already have an ombudsman for the businessman. We have one for the poor people, and I think the people in the middle deserve something of this sort.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: As you may remember, I presented the pure form of the ombudsman bill. I very much support this bill of Representative Rollins, and I would point out that as Representative Henley from Norway objected to my bill, this

brings the legislator into play. In my bill, he felt it did not. Here we have someone backing us up and someone who we can turn to for help, and I think it is also worth noting that we are dealing with a majority report under the guise of a minority report because of the confusion here on Representative Stillings not having signed.

I hope very much you will defeat the "ought not to pass" and will accept the "ought to pass." I think this is a worthwhile thing and a needed thing, and as has been pointed out, it is not in the legislative reform package. Here we have a bill to deal with right now, and the legislative reform package is still a "bird in the bush."

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

Mr. CROMMETT: Mr. Speaker, I move that this lie on the table for one day, please.

Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Millinocket, Mr. Crommett, that L. D. 576 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.

32 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

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

Mr. CROMMETT: Mr. Speaker, Members of the House: The reason I would like to have that tabled, I know I don't play a very important part with the State Government Committee, but this bill was turned out without my name on it.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that the House accept Report A, "Ought not to pass" on L. D. 576. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

21 having voted in the affirmative and 75 having voted in the

negative, the motion did not prevail.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Marine Resources on Bill "An Act to Change the Lobster License to the Boats, Increase License Fees and to Limit the Number of Licenses" (H. P. 1221) (L. D. 1578) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. HUBER of Knox

RICHARDSON

of Cumberland

— of the Senate.

Messrs. BROWN of Augusta

LEWIS of Bristol

DAVIS of Addison

SHUTE

of Stockton Springs

BUNKER of Gouldsboro

— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" in New Draft (H. P. 1614) (L. D. 2031) and new title "An Act to Conserve, Manage and Regulate Lobster Fishery."

Report was signed by the following members:

Mr. DANTON of York

— of the Senate.

Messrs. LaCHARITE of Brunswick

MULKERN of Portland

WEBBER of Belfast

GREENLAW

of Stonington

Mrs. KNIGHT of Scarborough

— of the House.

Reports were read.

On motion of Mr. Bunker of Gouldsboro, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Regulating Abortion Procedures" (H. P. 1195) (L. D. 1529) reporting "Ought not to pass."

Report was signed by the following members:

Mr. TANOUS of Penobscot
— of the Senate.
Mrs. KILROY of Portland
WHEELER of Portland
WHITE of Guilford
Messrs. CARRIER of Westbrook
HENLEY of Norway
GAUTHIER of Sanford
DUNLEAVY
of Presque Isle
— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" in New Draft (H. P. 1615) (L. D. 2035) under same title.

Report was signed by the following members:

Mr. SPEERS of Kennebec
— of the Senate.
Mrs. BAKER of Orrington
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 move 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 Falmouth, Mr. Huber.

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to repeat my discussion of last week as this bill, L. D. 2035, is essentially the same as the amendment, House Amendment "A," to L. D. 1992 that we discussed last week and passed by a 90 to 46 vote.

I would, however, like to reinforce several points which may still be unclear. First, in the words of the U. S. District Court decision on February 20, 1973, and I quote, "The abortion statute of the State of Maine is declared to be unconstitutional and void in its entirety and it is wholly unenforceable." I have here a copy of this judgment for anyone who would like to see it.

Maine has no valid abortion law now. What then can the state regulate concerning abortion procedures? A Texas decision of the

Supreme Court clearly outlines important and compelling state interests in maternal health and the protection of potential life that a state may regulate if it so chooses. One, the state may require that abortion procedures be performed by a licensed doctor. This would be required under Maine law anyway but is provided in this bill also.

Two, after the twelfth week of pregnancy, the state, in protecting its interest in the health of the mother, may, if it chooses, regulate abortion procedures in ways that are reasonably related to maternal health. Examples of such regulation given in the Supreme Court decision are the qualifications and licensing of the person who performs abortion procedures at a facility in which the procedure is to be performed; that is, whether it must be a hospital or may be a clinic or other facility of less than a hospital status.

Three, after the twenty-fourth week, "The state, in promoting its interest in the potentiality of human life may, if it chooses, regulate and even proscribe abortion except where it is necessary in appropriate medical judgment for the preservation of the life or health of the mother."

These then are the areas in which a state may regulate concerning abortion procedures. I know my constituents will want the state to protect this legitimate interest in maternal health and potential life. I am sure your constituents will want this also.

Passage of L. D. 2035 would provide this protection. We already have passed L. D. 1992 which protects only hospitals, doctors, nurses, et cetera, as well as giving limited protection to potential life. We now must decide whether the people of Maine want to protect the maternal health and potential life as far as legally possible. I am certain that the answer will be overwhelming and will be in the affirmative.

There are those who say that we should leave abortion procedures to the laws governing medical practice generally. After all, this argument goes, we have no special laws governing brain surgery, for

example. First, ladies and gentlemen, I would ask each of you and especially those of you who were at previous sessions, what would your personal reaction have been to such a suggestion at a prior session of this legislature?

Second, even the Supreme Court in a Georgia decision recognizes the existence of rascals in the medical profession. Although most physicians would not risk their patient's life or health by performing second or third trimester abortions in their offices, I think we must be concerned with the prospect of attracting such rascals with the absolute absence of state regulation.

You all know that abortion could be performed for substantial profit. I am sure Maine does not want to sponsor or condone profit-making abortion mills. This bill would require that abortions be performed in a hospital licensed as such after the twelfth week of pregnancy. Hospital by-laws are where most medical controls are imposed. Without this law, the decision as to whether abortion should be an office procedure or a hospital procedure would rest with the individual physician.

A parallel example is that of voluntary sterilization procedures. Until three or four years ago, a number of hospitals prohibited or severely restricted such procedures. For many years, however, a number of doctors in this state openly, legally and even routinely performed these procedures in their offices, because in their judgment, the risk was insignificant. The same openness could apply to abortion regardless of the stage of pregnancy unless we pass this bill.

Finally, I would like to briefly discuss the inclusion of the word "health" in the provision of this bill that after the twenty-fourth week, an abortion may be performed only when necessary to preserve the life or health of the mother. The Texas law invalidated by the Supreme Court provided that abortion could be performed only to save the life of the mother. The decision on this law centered upon this provision. I would like to quote from that

decision. "If the state is interested in protecting fetal life after viability, it may go so far as to proscribe abortion during that period except when it is necessary to preserve the life or health of the mother."

Measured against these standards, Article 1196, which is the article in the Texas law which specified life only, of the Texas Penal Code in restricting legal abortions to those "procured or attempted by medical advice for the purpose of saving the life of the mother sweeps too broadly. The statute, therefore, cannot survive the constitutional attack made upon it here."

In summary, the Supreme Court stated "a state criminal abortion statute of the current Texas type that excepts from criminality only a lifesaving —" and the Court has italicized "lifesaving," "— procedure on behalf of the mother without regard to pregnancy stage and without recognition of the other interest involved is violative of the due process clause of the 14th Amendment.

"Our conclusion that Article 1196 is unconstitutional means, of course, that the Texas abortion statutes as a unit must fall." This is the holding of the Court and is not dicta or casual saying within this decision.

The Georgia law invalidated by the Supreme Court provided that an abortion could be performed if "a continuation of the pregnancy would endanger the life of the pregnant woman or would seriously and permanently injure her health." This provision was also invalidated by judgment of the U.S. District Court, and this invalidation was upheld by the Supreme Court. This, again, was a holding of the Court and was not dicta.

Maine's law is also invalidated on the grounds that it allowed abortion only to save the life of the mother. That the health of the mother must be included if the state chooses to regulate abortion at all is clearly stated in the summary of the Texas decision. I would like to quote from that summary: "For the stage subsequent

to viability, the state, in promoting its interest in the potentiality of human life, may, if it chooses, regulate and even proscribe abortion except when it is necessary in appropriate medical judgment for the prevention of the life or health of the mother."

I would also like to briefly point out some minor protections provided by this bill, which would not be in effect unless we enact it. This bill provides that the consent of a minor herself is required in addition to that of her parent or guardian. It also provides that the consent of the husband, if living with the wife, is also required in requesting the performance of an abortion.

With the passage of L. D. 1992 alone, this state will allow abortion on demand right up to the day of delivery. With passage of this bill, in addition to L. D. 1992, we would regulate abortion as strictly as legally possible to protect important state interests and the protection of maternal health and of potential human life.

I realize that your constituents may not at this time fully understand this. As time goes on, I am sure that they will. If we do not regulate abortion as strictly as possible, I am sure that even those who do not presently understand the situation before this legislature will feel that we have simply caved in to strong lobbying pressure and will say, you should have known better.

I apologize for bringing up this unpleasant subject for your consideration but do feel we must fill the void left by an invalidation of Maine's old abortion law. In my defense, I would point out that I have also brought up for your consideration the one acceptable alternative to abortion; that is, the opportunity to provide adequate state support of family planning services which would allow all Maine families equal opportunity to voluntarily avoid a situation where abortion might be considered. I refer, of course, to my family planning bill, L. D. 1823.

I hope that this legislature will reject abortion on demand by passing L. D. 2035. I hope you will

accept the minority "ought to pass" report on this bill.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: For some, it is needless for me to say that I am in favor of this bill. Today, the debate on this bill should be entirely different than in years past. We used to have it especially assigned to a certain time so that no one would miss the vote. The tension and emotion reached such a height, that the Speaker once announced that school pupils could be excused from the gallery if their chaperon considered the subject matter too delicate for their young ears.

However, this year we have already passed one abortion law, and there was no opposition, except to the amendment, because we considered that the law was not that specific.

This law before us today really is a modification and further clarification of that law. May I start by saying that nothing in this bill makes abortion mandatory. We do not want to force or encourage any woman to do anything against her conscience or religious teachings. We only maintain that they should have this right with the approval of a competent physician and if performed in a hospital under adequate supervision. The other did not even mention these two very basic prerequisites.

The big hue and cry whenever the abortion issue came up before was the unlawful and premeditated killing of an unborn fetus which the opponents proclaimed became a human being with a soul immediately upon conception. They never gave credence to the fact that this is a comparatively new idea in the long history of their church. It has only been their belief and teaching for about 100 years. At that time Pope Pius IX decreed via a papal encyclical that this was in fact the case. This was done only to settle confusion within the church. Former Popes had insisted that a fetus was not human with a soul until anywhere between 40 and 120 days after conception.

The public hearings on these bills were filled with emotionalism and logic that legal issues were always obscured. I always used to start at the outset saying that I respected the teaching and religious beliefs of all other faiths and did not consider this a moral question but humanitarian.

However, my consideration and respect always went unheeded. One year ago, after my presentation before the Judiciary Committee, the Kennebec Journal came out with banner headlines on the front page in their very largest print, "Ross Called Murderer."

This of course made my chief opponent chuckle with glee. Without mentioning names I think he went out and bought 100 copies of that paper.

However, times change and we now have a Supreme Court ruling. Many hospitals and health workers are anxiously awaiting meaningful state legislation to provide guidelines for them to comply with the court's decision if they so desire.

Last week, a statement was made that we are not ready yet to comply with the Supreme Court decision. Of course this is neither logical nor legal.

The bill which we passed only protects doctors and nurses, forbids discrimination, makes the sale of a fetus unlawful, protects any live births and defines the same. It is really what they call abortion on demand.

This bill before us today is much more limited and protective. It makes special provisions for length of pregnancy, defines more accurately the records which must be kept, provides for parental consent in case of a minor, and specifies that the abortion must be done in a hospital which has adequate safeguards.

If we are determined to stick only with the bill which we have already passed, it too may well be deemed unconstitutional. It goes too far in its leniency and not far enough in providing safeguards in the procedure itself.

Perhaps you have read that there are more people still going out of state because it is cheaper to go to clinics there. This is because without adequate state

guidelines, the present assenting hospitals have felt they must go even further than necessary in their precautionary measures.

For instance, I am a director of the Maine Medical Center, and their bylaws have 10 specific stipulations:

1. An Obstetrical- Gynecological Committee consisting of six staff members will review all cases.

2. Special methods for sterilization will be used.

3. Physicians who request consideration after twenty-four weeks must apply by letter.

4. A Patient Care Committee will review all pertinent activities.

5. A Radioisotope-Radiation Committee will insure radiation protection.

6. Records will be kept of all operations.

7. Special consultations will be established with the patients.

8. The Obstetrics Committee will receive post-operative reports.

9. Physicians requesting termination of pregnancy will apply by letter in duplicate to this Committee.

10. A Surgical Audit Committee will review in depth all assigned cases.

No wonder with these stipulations it is more expensive, but it is certainly protective.

In summary, this bill is a clarification of the other and carries it one step further for the safety, protection, and well being of the patient.

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

Mr. JALBERT: Mr. Speaker, and Members of the House: First I would say that it is always a delight for me to debate with the gentleman from Bath, Mr. Ross, whether we are together on a measure or apart, and he and I both know this morning that we are leagues apart. But we still now, and will be after this is over, the very dearest of friends.

I might, however, say to him that when the Kennebec Journal called him a murderer, I was sitting in the Senator Motel having breakfast so I just happened to glance at a paper and I went over across the bay to the Kennebec

Journal, and to my amazement I found that I couldn't buy one copy, let alone 100 copies. So I was unable to deliver the 100 copies to my good friend.

Remarks have been made on two occasions this morning that we have no law in Maine. We have a common law in Maine. The remarks were made about the mental problem. It is obvious that from conception to birth, the woman in her position can arrange for the abortion of her unborn child up to the ninth month of pregnancy by showing merely that it was the social or mental health of the mother.

In California, 95 percent of abortions have been performed on the basis of mental health. This is from the Supreme Court ruling. L. D. 1929, also known as the Huber bill, provides for abortion on demand from conception to birth, and life begins at conception. There is absolutely no way for the Huber bill to eliminate abortion in the 5th, 6th, 7th, 8th or 9th month without being unconstitutional, if it continues to be patterned on the Supreme Court decision, and to think otherwise is false.

The Huber bill may definitely be challenged as unconstitutional in that it requires that abortion be performed in a hospital in the second trimester, whereas the Supreme court in Dow versus Bolten gave allowances for abortions being performed in clinics. To limit abortions in hospitals is not the law and is not what the Supreme Court said in the Bolten case, and I have it here in my hand. Paragraph 1 of Section 10, a state may not require that abortions prior to the end of the first trimester be performed only in hospitals.

A state criminal abortion statute requirement is that all abortions be performed only in hospitals accredited by the Committee on Accreditation of Hospitals is not constitutional and not being reasonably related to the purposes of this statute. A state may adopt standards for licensing all facilities where abortions from after the first trimester may or must be performed so long as those standards are legitimately related

to the objective the state seeks to accomplish, though such facilities may not be limited to licensed hospitals only.

Now in my opinion, the Supreme Court did not say that a new abortion statute was contrary. To be contrary it was describing the right of every woman under the United States Constitution. There is no requirement under the weight of the Bolten case for a so-called abortion statute to guarantee the women's rights for abortion. They are also fully guaranteed under the United States Constitution, says the United States Supreme Court. Justice Byron White of the same Supreme Court said in effect that the establishment of these rights was, in effect, in itself the act of a super congress. Your rights and my rights were so imposed by a super congress, alias the United States Supreme Court. And this is further super imposition.

Mr. Ross in his remarks says that this bill is most respective, and he states in the same breath that this new proposed legislation will encourage more liberalized regulations. In my very humble opinion, this is a contradiction. He talks and the gentleman from Falmouth, Mr. Huber, also talks about 1992. 1992 would prohibit the sale of fetuses; 1992 prohibits in certain areas by certain people abortions. 1992 is not an abortion bill.

The gentleman from Bath, Mr. Ross, in his remarks made the comment that this bill here at one time, the debate became so emotional that the good Speaker of the then House stated that if the teacher wanted to, we could recess while the children who were our guests would not have to if they didn't want to listen to the debate. I was here at the same time, and I was speaking quite emotionally. With the greatest respect that I have for the opponents of this measure, the greatest respect that I have grown to have for the young man from Falmouth, Mr. Huber, and the greatest of respect that I have had over the years for my very dear friend from Bath, Mr. Ross, I wouldn't

say that the gentleman from Bath, Mr. Ross, was being played fair with when he was called by the paper a murderer. But I have to say, any part or any phase of abortion in my opinion is murder.

The Huber bill goes even further than the court; it goes further in its abortion on demand. It will allow the killing of a live fetus. In the articles of Mr. Ross' own church in 1971, they admitted that life began at conception. It was in clear black and white and I read it on the floor of this House two years ago, and nothing has indicated to me that they have changed their thinking.

Now we have had and spoken and debated for three days an act for the poor pheasant. We debated and talked and asked for compassion for about three days for the poor, dumb unsuspecting moose. What compassion do we have in this legislation for the unborn child, if we have to believe what is fact, that life begins at conception? And I repeat myself, what compassion are we showing for the unborn child if we are to believe that life begins at conception? There are reams that could be said, Mr. Speaker and members of the House.

In the last debate that we had, which I did not take part in because I felt the issues were miles apart, 1992 and this present bill, I merely spoke as you know on the philosophy of an amendment being presented with the bill still in committee. Certainly I was not playing unfair tactics, because this morning, when the gentleman from Falmouth, Mr. Huber, mentioned to me that he had some of his people who were not here today, I spoke with the majority floor leader and the gentleman from Bath, Mr. Ross, and I suggested to them that if that was the case, wanting to play the game just as fairly as I possibly could, and I know the gentleman from Bath will agree with me, and the gentleman from Standish, Mr. Simpson will agree with me, I suggested to them that this bill be tabled if they so felt, and their decision was not to do it, it was to run it as we are doing now.

There are no words that I could read to you, as poor a reader as I am, and there are no words within my vocabulary yet that could depict to you the feeling that I have when I even hear the word abortion.

If anybody here wants any part of this procedure, it is their prerogative to vote for this measure. If not, they would go along with some of us who feel to the opposite. Mr. Speaker and members of the House, I beseech you, I plead with you, I even beg you to vote against this measure. Mr. Speaker, I move that this measure and all of its accompanying papers and reports be indefinitely postponed and when the vote is taken, I move for the yeas and nays.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I have distributed on your desks this morning part of what I am to speak about. I am against abortion, but not the abortion bill which was passed the other day. In fact, I voted for that bill because I thought that was a good bill. The Supreme Court, as you know has made it legal to perform abortions, including up to the ninth month, including the ninth month. It says that a woman only has to have the consent of only one physician, and all she has to do is to prove that her life is in danger. Now this may be social, it may be a mental endangerment.

The definition of abortion—abortion is defined to mean the termination of pregnancy with the intent of other than to produce a live birth or to remove a dead fetus. Now the mandates, the laws of live, born children to be given clear medical care to preserve the life and the health of children, I have here the signatures of 134 nurses who are against this, who are opposed to it. These nurses are of all faiths and I want to make it clear to you this morning that it is not my faith why I am debating this issue, because as you know, I am a Protestant.

As you read in the paper the day before yesterday, it said that we have reached a near zero population. Look at your obituary columns in your papers every day, then look at your births. Your obituary far is above that of births. What is going to continue to happen if you let this keep on? The rich and the healthy will not produce any children and only the diseased, the ignorant will populate this great land of ours. You will then begin to produce the deaf, dumb, the crippled, the blind.

I don't know how many of you were brought up on a big farm, but I was. Any of you who don't want to hear what I am going to say, put your fingers in your ears. We had cows that aborted on that farm, some of the best cattle we had, health. After the abortion or the slipping of that calf, as it is so-called by a farmer, that cow developed a cough, she lost weight, she developed consumption, as it is called, or tuberculosis. After treatment by the veterinarian, all this cow was good for from that time on was balogna — ask any farmer.

The gestation period of a cow is exactly that of a female, nine months. I don't want you to think I am comparing you women with cows, this I am not. But I want to point out one thing, it is the same.

And when the time comes that you get your nation so weak by abortion that you can no longer control and rule this government, a strong nation will take you over; you will no longer be a strong America. I love this country; I love young people. We were all young once and I hope that every one of you will oppose this L. D. today.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House. As you might well expect, I am opposed to the bill under discussion. I don't believe that the Supreme Court is infallible in all its decisions. If you look at the recent history of the Supreme Court decisions in other areas,

they have made a mockery of law and order in this country. They have made very unwise decisions in other areas. And in this decision here, I think under the guise of deserving the help of the women or the mother, they are attempting to enter the area of morals and ethics and at least a slight intrusion into the medical field.

I doubt very much if any of these nine gentlemen are qualified to speak authoritatively in any of these areas. Legal questions, yes.

I cannot vote for this bill because if this legislature passes you are, in effect, saying, abortions are acceptable and I can't do that, whether it is the first week or the 15th or the 35th at no time, except in a decision to preserve the life of the mother.

If you will bear with me for just a moment, I would like to read something, which I think says better than I can what I would like to say. "Once again we ask you not to forget that the Ministers and Rabbi in the State of Maine have a great interest in what you will debate here today. The Supreme Court, aside from its having nullified God given right to life of a whole class of human beings has contributed immeasurably to the already waning power of conscientious action in America. As men of God, we believe and feel compelled to tell you that all Americans are less human for what the Supreme Court has done. We hereby implore you to vote no to L. D. 1529, which calls attention to and makes special and extraordinary this most inhumane action. To have what is repugnant to our sensibilities forced upon us, is one thing, but to actively sanction abortion by legislation, which indicated compliance with an intolerable decision, will only demonstrate what we have believed from the beginning, abortion is a very great evil. It does to the defenseless what the strong would not have done, it takes human life.

"Lastly, we challenge you in conscience as the Lord God challenged the Israelites, do not cause the death of the innocent and the

guiltless. The memory of man is short and his actions are sometimes expedient, but the Lord God does not forget." And this is signed by more than three dozen Ministers and Rabbi in the State of Maine.

The SPEAKER: The Chair recognizes the gentlelady from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Ladies and Gentlemen of the House: I realize that the debate has been a little long and I did not want to prolong it, but I did want to say a few words if only to express my position on this and the reason why I will support the motion for indefinite postponement.

We have all heard the stories of the good news and the bad news, and somehow I think we have been given the good news first. The good news being that abortions would be performed in hospitals and in the safety of L. D. 1529. But we haven't been given the bad news, that this bill, if enacted, would not guarantee the safety to the live fetus. Section 1577 defines abortion as "The termination of human pregnancy with an intention other than to produce live birth or to remove a dead fetus."

This certainly is not the pro-life definition under this proposed legislation. The medical teams would be protected if a viable fetus were left to die. If we do not enact this so-called pro-life bill, a doctor or a nurse or hospitals would be liable if a fetus born live were indeed left to die. This L. D. 1529 simply states that they would not be liable, and I refer to subsection three. If an abortion is performed in compliance with this section, the death of a fetus should not give rise to any claim for wrongful death.

My support of legislation passed last week was to assure protection of a living fetus, and I cannot see where this L. D. today would protect the baby.

We have heard that life of a woman would be in jeopardy without the guideline of this bill — I disagree. First of all, abortions can and are being performed during the first trimester and most

abortions will be performed during this period if at all. We have heard that without enactment of this bill, that we will indeed have abortion on demand until the last month — again, I disagree, for no physician will perform these outside of a hospital after the third month simply because to do so would make them liable in cases of malpractice and if a viable fetus were left to die, even manslaughter. Moreover, how many physicians now perform even minor surgery outside of a hospital.

In performing a true Caesarean section, the baby is given quickly in a hospital to an attendant who immediately does all in his or her power in order to breathe life and to save the baby. However, in a hysterotomy abortion, the live baby is cut free, dropped into a bucket and left to die. This would be disallowed under this proposed legislation. The doctors and hospitals would be protected if a viable fetus were allowed to die, for after all, that is the intent of an abortion. Without this bill, a physician would have to try to save a living fetus.

I had a bill, L. D. 887, a statistical data bill which I submitted because I felt this would be a deterrent to abortion, for I, like all of us here, strongly believe in life. The contents of my L. D. 887 has now been added to a bill which we are discussing today and I had heard that it would be included in becoming part of a bill which I feel is contrary to the purpose for which it was intended. I would hope that perhaps in a special session I might be permitted to introduce it once again, so I strongly object to its having been made part of this L. D. today.

If I may continue briefly, I would like to refer to the preservation of life or health of the mother. One obstetrician told me that in 18 years of practice he never had once to perform an abortion to save the life of a woman. Health, on the other hand, according to the courts ruling, could be many things like we have heard, physical, social, mental, and if in a moment of despair, a woman desires an abortion, this bill would obviously facilitate this. If, indeed,

a woman develops a mental problem, then she should seek the help of a competent psychiatrist who can help her with her problem. Aborting her baby is not the cure.

This House showed that it was pro-life when by a vote of 118 to 19, it gave its approval to a resolution calling for a constitutional amendment. The support of L. D. 1529 will negate the stand which we took. I for one, have given a great deal of thought to what was right and what was wrong on this matter and there were very grave questions of ethics and of conscience that I had, but I know now that I am right in voting to oppose the bill.

Personal religious affiliations should never influence our vote, because we represent the people of many beliefs, and in voting today, I feel that my vote will be a reflection of the wishes of my constituents and that it will be a vote to protect at least some lives of unborn human beings. If, according to the cynics, only political expediency matters, perhaps we can try to refute this by using a little reason and common sense, and I have said before, not by leading our generation into a faceless and soulless society.

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

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I am on record as being against abortions. With me it is a very personal thing. I think abortion is murder. However, Mr. Huber has shown us how our present Maine law has been struck down by the court.

I would like to pose the following question which I think gets sort of at the crux of the issue. In the absence of any restrictive law preventing abortions in this state, would the threat of liability prevent physicians from carrying out such practices or would we actually have abortion on demand? Because if the latter is true and if in effect we do now have abortion on demand because of the absence of law, then I am going to vote for Mr. Huber's bill. But if it can be indicated that the physicians would

not carry out abortions due to the threat of liability, then I won't.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahan, poses a question through the Chair to anyone who can answer if he wishes.

The Chair recognizes the gentleman from Portland, Dr. Santoro.

Dr. SANTORO: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to make a long, scientific speech against abortion as I did in two previous legislatures, the 104th and the 105th. I am standing today on the same principle as I was then and I am still against abortion.

I am opposed to this bill, many of my colleagues are opposed to this bill.

We have the Maine Medical Association and the Maine Hospital Association, plenty of regulations and plenty of safeguards.

We have, as a matter of fact, more regulations than are contained in this Huber bill. I am opposed to this bill and I want to go on record as such.

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I believe very strongly that our state laws regarding abortion have been effectively stricken. We have no present restraints on abortion. The overturning of our state law leaves us with no legal guidelines. In the absence, Maine could become blighted with unregulated abortions. Abortions could be performed legally under any circumstances and at any stage. Can anyone deny this? Do you want this?

My position is the same as the late prominent New England theologian, a church official, that the support of civil law is not necessary to be faithful to one's own religious convictions and moral views. Instead, the state should confine its efforts to the protection of the health and safety of its citizens. L. D. 1529 will do just that.

Rhode Island has, since the Supreme Court decision, passed more restrictive legislation than this would be. This legislation has been summarily struck down by a unan-

ymous decision of the U.S. First Circuit Court of Appeals as late as June 6, 1973. This opinion is written by Senior Judge Bailey Aldrich, sitting with Judge Levin Campbell and Judge Frank M. Coffin, whom some of you know. Do you believe that men of this caliber, backing the carefully considered deliberations of the Supreme Court of the United States are condoning murder as represented here on the floor this morning? Of course you do not. This is pure emotionalism.

I seek to impose my values on no one. I merely wish for Maine to face up to its responsibilities, to protect the health and safety of Maine citizens by providing legally sanctioned controls against the rampant abuse which can occur.

I strongly urge you to vote against the motion to indefinitely postpone and to support Mr. Huber's bill.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I was interested in the reference by the gentleman from Farmington, Mr. Morton, to the position of the late Archbishop of Boston, Cardinal Cushing. His position was stated correctly by the gentleman to be that individual religious beliefs should not need the support of public law. I think it points out, as exists in many ecclesiastical denominations, that the late Archbishop and respected Archbishop was certainly entitled to his views, but I don't think that is going to be a very persuasive argument to people of any religious denominations which differ with those views.

I tend on occasion to follow the idea that we should let people do what they want to to a great extent as long as no one else is involved. If one wants to cut his fingernails, frankly, if he wants to smoke pot, so be it. But there is something else involved here.

I guess I can't really add anything new and I don't think any of us can to the debate that has gone on in this House for many sessions. I would like you to view the bill in this context, to remem-

ber the heavy margin we had in this House and in the other body in petitioning and memorializing the Congress of the United States to initiate a constitutional amendment in order that the people of the states and our legislatures might have a voice in this matter. Such an amendment has been undertaken to the constitution in the Congress with bipartisan and multi-religious support.

It seems to me that if we pass the legislation before us under the impression that we have no choice, that we must go along, because in essence, the Supreme Court has issued an edict that we must go in this direction. We will find in the halls of Congress instead of the constitutional amendment which is now being proposed in the Congress being sent out to the states and the people for their ultimate decision, we will find the answer coming back, oh, the people and the states really don't want this right to regulate abortion bills. They have shown that they at least acquiesce, if they don't favor abortion.

So, recognizing the very difficult, practical position we are in because of the Supreme Court decision, and accepting the good faith effort on the various sides of this question, I only fear that passage of this bill will result in a lessening of what is already, frankly, a small chance to have the states through the legislature and the people act on the bill. I think we are going to meet this argument again. The people are going to be saying in the halls of the Congress, don't vote for the constitutional amendment on abortion. I think it will be used as an argument with our Congress. The Maine legislature has passed an abortion statute. There is no need of it.

If I may make one more point, and my profession is obviously not medicine as that of the gentleman from Portland, Dr. Santoro, but I find that in representing some medical clients, not in the malpractice field but as a personal attorney, that these gentlemen are very very careful and scrupulous and concerned about the whole area of medical malpractice. You know that we often have bills

before us to limit the right to bring a malpractice action. There is a journal called *Medical Economics* which a great number of physicians subscribe to. You will find a huge number of articles in there in the course of a year on medical malpractice and insurance. Seems to me that physicians are quite cautious people in this regard, and that if we can cause them to be cautious in this area, I, for one, think it is a good thing.

As I understand the explanation of the gentle lady from Lewiston, Mrs. Berube, if an operation is started and it results in the birth of a live fetus, it would be proper, under Mr. Huber's proposed bill, not to seek to save the life of this child. It is no longer a fetus, as I understand it, when it is born and it is alive — not to seek to save the life of this child after it has been born. I think I have the same dilemma in essence that Mr. McMahon does. I would find it very difficult to go along with the bill, which, as has been explained by Mrs. Berube, would allow through inaction by a physician or a nurse a live child born perhaps you might say accidentally in spite of the abortion procedure to die.

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

Mr. MULKERN: Mr. Speaker and Members of the House: I rise today in opposition to L. D. 2035. First of all, I want to make very clear to this House that my position on this bill is no way based on any religious training or moral training. I agree with Mrs. Berube entirely that we shouldn't be standing up here in the legislature passing legislation solely on the basis of our own private consciences.

I am opposed to this bill, because I feel that by voting against this bill I am doing something that is in the best services of the people of the State of Maine.

I would like to call your attention again to something alluded to by Mrs. Berube. I believe that there is a conflict between L. D. 1992 and L. D. 2035. In section 1575 of the bill, it states, "whenever

an abortion procedure results in a live birth, failure to take all reasonable steps in keeping with good medical practice to preserve the life and health of the live born person shall subject the responsible party or parties to Maine law governing homicide, manslaughter and civil liability for wrongful death and medical malpractice. That is L. D. 1992.

Now, we have in section 3, page 2 of L. D. 2035, this statement: "If an abortion is performed in compliance with this section, the death of the fetus shall not give rise to any claim for wrongful death. I submit that there is definitely a conflict here, and we could not really pass Mr. Huber's bill in this form, because we have already passed 1992.

Next, I would like to state something in reference to Dr. Santoro's remarks. There are two things we can do as far as this legislation is concerned. The opponents of Mr. Huber's bill claimed that by passing this bill, we are restricting abortion in the State of Maine. We are closing it off. We are doing everything that the Supreme Court says we can do. However, I maintain that at this point — and as I said before, Mr. Ross took exception to a remark I made, I heard him quoting me that the State of Maine was not as yet, I feel, ready to implement the Supreme Court's decision, and I still stand by that. I feel that my argument is logical, because, as Dr. Santoro said, the hospitals around the State of Maine are very careful with their medical procedures. Right now we have a situation — we have no law on the books, and the hospitals in Maine, I think, are proceeding pretty cautiously on this. I saw an article in the paper a short time ago where Maine Medical Center was not going to perform abortions after the twelfth week, and I respect their judgment. I think to a certain extent by passing Mr. Huber's bill, we are saying, in effect, that the Maine Medical Center doesn't really have any right to make this decision. We are sort of saying abortion for the entire nine months is the way it should be.

I don't believe we are going to see the end of this. I believe that if this should happen, if Mr. Huber's bill should pass, there will definitely be further court litigation. We haven't seen the end of this yet.

What is going to happen to a woman who wants to have an abortion in the State of Maine, and we have a situation where she is not able to find a hospital in the State of Maine that performs an abortion say after the twelfth week. She says, well — she says, it is the law of the land, the Supreme Court has passed the law, but I can't find a hospital in Maine that will do it. Where is this woman going to go? I can tell you where she is going to go. She is going to go to some illegal individual who will perform the abortion for her, and we are going to have the very thing that the people who are proposing this bill are talking — are trying to eliminate.

Lastly, to conclude my remarks, I would like to say — to make a statement that it hits you people very personally right here in this House. I would like you to think for a moment, if we had passed an abortion-on-demand bill 25 to 50 years ago in this country, where would many of you in this House be today?

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

Mr. DYAR: Mr. Speaker and Members of the House: I rise this morning with severe hesitation for addressing the subject, having had the unpleasant experience in the past year to visit state institutions, private homes, that handle the severely mentally retarded child, the mongoloid, my feeling may be somewhat different from many of yours.

We have talked about the clergy here this morning, we have talked about those in the medical profession, which brings to mind a home that I have been in recently that is licensed to take care of 15 terminal mentally retarded children. At the time I was there, they had 11 from age 9 to 16. These children were all dying,

they were mongoloid. The mongoloids, in most cases were the product of a young unwed mother who tried to terminate the pregnancy with a knitting needle or a coat hanger. This was the product.

The operator told me that the clergy had been to her home, looked at these children and passed out on the spot. A child in this condition where the head is immense in size, is split open, water is oozing out, the child is dying is most unpleasant to see.

Now, whether this bill before you this morning would curb this, I don't know, but if it would, I would have to vote for it.

You can see this in the infirmary at Pineland, and I am sure the operator of the home that I talked about this morning will be more than glad to have any member of this House visit the people she cares for.

I am very disturbed at the fact that the State of Maine at the present time and in the past, with taxpayers money, to avoid Maine laws have taken women from the State of Maine who were retarded, mentally diseased, possibly low income to the State of New York to have an abortion performed on these people in a state where it was legal.

Now, one of the remarks of a previous speaker leads me to believe that if we do not pass legislation legalizing a limited type of abortions in this state, that certainly charges should be brought against at least two department heads in this state and some people who are also working in the state, people who authorized the abortion on a state ward in the State of New York and the case of the two people that formerly accompanied these people to New York to have this performed.

Now, based on the two points I have made here this morning, I am very confused, I really don't know which way to vote. I will probably vote against the amendment with severe — I just don't know which way to go. But if any of you people have any doubts, I will gladly take you to this home where you can see the product of

the knitting needle and the coat hanger.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Just to answer to the best of my ability the question of the gentleman from Kennebunk, Mr. McMahon in my mind, we now have abortion on demand. Hospitals are doing this and abiding with the Supreme Court decisions. But we have given them no guidelines to go by. The other bill that we did pass protects the doctors, nurses, fetuses, defines live birth and prohibits the sale of the fetus, but it does not provide for a consultation with a doctor first or mention hospitals and their precautions. So I believe we have abortion on demand.

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

Mr. HUBER: Mr. Speaker and Members of the House: I would like to very briefly answer some of the arguments made against this bill.

The gentleman from Lewiston, Mr. Jalbert, contends that my bill may be unconstitutional, because it requires that abortions be performed in a licensed hospital after the twelfth week.

I will quote the same section from the Supreme Court decision that he did in referring to the period after the twelfth week: "From and after this point, a state may regulate the abortion procedure to the extent the regulation reasonably relates to the preservation and protection of maternal health. Examples of permissible state regulation in this area are requirements as to the qualifications of the person who is to perform the abortion, as the licensure of that person, as to the facility in which the procedure is to be performed; that is, whether it must be a hospital or may be a clinic or some other place of less than a hospital status."

Mr. Jalbert contends that this law may be unconstitutional because it requires a hospital. In fact, if he looked a little further under the licensing provision, we

have licensing of hospitals and the only other type of facilities included in that section are such things as rest homes, sanitariums et cetera. We have no provisions for licensing clinics. Therefore, until we have such procedures, I obviously could not include this as a requirement in this bill.

I would also like to comment briefly on Mr. Jalbert's contention that my bill condones the killing of live fetuses. As he well knows, I tried to amend this to L. D. 1992, and this bill is met in conjunction or in addition to the provisions of L. D. 1992.

The gentlewoman from Lewiston, Mrs. Berube, made the same reference that tightening this bill in that it does not include the provisions of L. D. 1992. I already attempted to make sure that we had one bill which included the provisions of L. D. 1992 and 2035. We have since ended up with two bills that would perform the same function.

The gentleman from Brunswick, Mr. Teague, also made the same attack on my bill saying that it didn't provide protections provided by L. D. 1992.

I would like to strongly point out that L. D. 2035 is meant to be in addition to L. D. 1992 in order to provide and protect the legitimate state interest in the protection of maternal health and the protection of human life.

The gentleman from Kennebunkport, Mr. McMahon, asked whether we have abortion on demand. I think we certainly do. I spoke a few weeks ago to Doctor Robinson Bidwell, who is chief of the medical staff at Maine Medical Center, and he said he has had three serious inquiries towards starting profit making abortion clinics in the state. I think it is very possible that the people who would start such clinics are waiting to see if this legislature leaves this wide open in the state, and I think we will get this kind of facility which I think nobody wants.

Ladies and gentlemen, let's reject abortion on demand and enact as strict regulation of this procedure as legally possible. I

hope we will vote against indefinite postponement of L. D. 2035.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I do not rise this morning to speak as pure emotionalism as it was stated here before. But I rise on a profound, reasonable and true philosophy that we must do everything to protect the rights of the unborn and of the aged and all the members of this society.

The proposed legislation is on the premise that such regulation is not in the best interest of the unborn child. The unacceptable decision of the U. S. Supreme Court handed down recently, and which I think really is out of focus, in a sense it establishes abortion on demand.

The proposed bill tends to protect the mother and not the unborn child. Both the mother and the child are parties to such an event, and both should have the right to determine by common decency and not based on the judgment of a physician or a distressed mother who for any reason, according to the decision, may be based on so-called health reasons.

No reason is needed under this decision for the mother to abort that child from conception to birth. Where and by whom can it be done? The present federal statute and law now states where it should be done and how it should be done. On this sole basic premise, I ask why do we need this legislation?

To believe that such a bill would not be unconstitutional is false. I only want to point to two sections of the present bill and one of it is that the consent of the father, if living with his wife, has to be given before such an abortion is made. Well, ladies and gentlemen, I truly believe that this would be unconstitutional, even though I believe there should be a prerequisite.

The other part is the next chapter where it says all the data on the unborn child or the one that got aborted, ladies and gentlemen, I think there is something there which is meant well. But if you will notice and read it very care-

fully, under that section there is no place where it says that the name of the patient or the name of the child or the name of the mother shall be included. I think that this is probably an oversight, but I think if this is the kind of bill that you intend to pass, I think we are in for trouble.

As it is now, much to the unacceptable decision of the court, the right for the woman to have an abortion is now guaranteed by the U. S. Constitution and verified by the Supreme Court.

The noble intent and the consent of all of us to protect the unborn is just a difference of philosophy. I and many of my colleagues believe that 1992, which was signed into law last night, will give the utmost protection to the mother and the child without additional needed legislation. Some of us do not condone the Supreme Court decision and probably never will. I hope that the era of permissiveness disappears in the near future and that new and old moral values can be reinstated in our lives and our children's lives and place the highest value on life, including the life of the unborn.

Ladies and gentlemen, something for some of you to think about is the fact that we had recently and for a long period many people claimed the unnecessary death in Viet Nam and all that situation that happened over there. Let me inform you that in Viet Nam, I think in a period of close to ten years, approximately ten years, we had 340 people that died over there. However, I think the statistics will prove that between two and three hundred thousand or maybe more abortions have been made in the past five or six months in the state of New York. If we are so concerned about the lives in Viet Nam, I think that we should open our eyes and probably our hearts and look into this situation and really do something about it.

I feel that the Supreme Court has put no value on the life of the individual. I think it was a great mistake, when in fact they can not justify when they put legal life on trees and water and not put it on a human being. I think this

is very erroneous and a very bad decision on their part.

I personally believe that as we have it now in 1992, it is abortion on demand. And I still say that even if you pass this document as proposed, it will still be abortion on demand. I believe that some of the guidelines, the law does not say in the decision of the Rowe versus Wade, and I wish that many of you, it is a lengthy one, but I wish that many of you would read it in the next few weeks. Regardless of what your convictions are now, you will find that such regulations as proposed in this particular bill would be contrary to the federal law that we now have.

Therefore, in consideration and in good conscience, I hope you support the motion to indefinitely postpone this bill and also have a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Bill, "An Act Regulating Abortion Procedures" (H. P. 1195) (L. D. 1529) and accompanying papers be indefinitely postponed. All in favor of that motion will vote yes: those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Brown, Carey, Carrier, Carter, Chick, Chonko, Conley, Cote, Driogots, Dudley, Dunleavy, Emery, D. F.; Evans, Farley, Farnham, Ferris, Finemore, Fraser, Gauthier, Genest, Hamblen, Herrick, Hobbins, Immonen, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McNally, McTeague, Merrill, Morin, L.; Mulkern, Murray,

O'Brien, Ricker, Rolde, Santoro, Sheltra, Silverman, Snowe, Soulas, Strout, Tanguay, Theriault, Tierney, Trask, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Ault, Baker, Bragdon, Briggs, Bunker, Bustin, Clark, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Donaghy, Dunn, Dyar, Farrington, Flynn, Gahagan, Garsoe, Goodwin, K.; Greenlaw, Hancock, Haskell, Hoffses, Huber, Hunter, Jackson, Kauffman, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McMahon, Morton, Murchison, Najarian, Norris, Perkins, Peterson, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Sproul, Stillings, Susi, Talbot, Trumbull, Tyndale.

ABSENT — Cameron, Churchill, Cressey, Curran, Dam, Davis, Deshaies, Dow, Faucher, Fecteau, Good, Goodwin, H.; Henley, Kelley, Kelley, R. P.; Mills, Morin, V.; Palmer, Parks, Pontbriand, Walker.

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

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

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

Mr. FINEMORE: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider and hope you vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the House reconsider its action whereby it indefinitely postponed this matter.

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

Mr. ROSS: Mr. Speaker, I move the motion to reconsider be tabled for one legislative day.

Thereupon, Mr. Jalbert of Lewiston requested a roll call vote.

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

vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that this matter be tabled pending reconsideration and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, P. P.; Bragdon, Briggs, Bunker, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Donaghy, Dunn, Dyar, Farrington, Ferris, Flynn, Gahagan, Garson, Goodwin, K.; Greenlaw, Hancock, Haskell, Hoffses, Huber, Hunter, Immonen, Jackson, Knight, LaPointe, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahan, Morton, Murchison, Najarian, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, S.; Sproul, Stillings, Susi, Talbot, Trumbull, Tyndale.

NAY — Albert, Berry, G. W.; Berube, Birt, Binnette, Birt, Bither, Boudreau, Brown, Brown, Bustin, Carey, Carrier, Carter, Chick, Chonko, Clark, Conley, Cote, Drigotas, Dudley, Dunleavy, Emery, D. F.; Evans, Farley, Farnham, Finemore, Fraser, Gauthier, Hamblen, Herrick, Hobbins, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, LaCharite, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McNally, McTeague, Merrill, Morin, L.; Mulhern, Murray, Norris, O'Brien, Perkins, Peterson, Ricker, Rolde, Santoro, Sheltra, Silverman, Smith, D. M.; Snowe, Soulas, Strout, Tanguay, Theriault, Tierney, Trask, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Cameron, Churchill, Cressey, Curran, Dam, Davis, Deshaies, Dow, Faucher, Fecteau, Good, Goodwin, H.; Henley, Kelley, Kelley, R. P.; Mills, Morin, V.; Palmer, Parks, Pontbriand, Walker.

Yes, 54; No, 75; Absent, 21.

The SPEAKER: Fifty-four having voted in the affirmative and

seventy-five in the negative, with twenty-one being absent, the motion does not prevail.

The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House reconsider its action whereby it indefinitely postponed this Bill and all accompanying papers. All in favor of reconsideration will say yea, this opposed will say no.

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

Sent up for concurrence.

Consent Calendar

First Day

(S. P. 69) (L. D. 171) Bill "An Act Providing for Irreconcilable Marital Differences as a Ground for Divorce" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (S-230).

(S. P. 93) (L. D. 239) Resolve Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution—Committee on Judiciary reporting "Ought to pass."

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

Consent Calendar

Second Day

(H. P. 812) (L. D. 1057) Bill "An Act Eliminating Admission to the Bar of the State of Maine by Motion." (C. "A" H-556).

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-556) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

On the disagreeing action of the two branches of the legislature on Bill "An Act to Provide a Maine Citizen's Preference on State Civil Service," House Paper 678, L. D. 885, the Speaker appointed the following conferees on the part of the House:

Mrs. BERRY of Madison

Messrs. GOOD of Westfield
KELLEHER of Bangor

Second Reader

Later Today Assigned

Bill "An Act Making Capital Construction and Improvement Appropriations from the General Fund for the Fiscal Year Ending June 30, 1974" (S. P. 664) (L. D. 2020)

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

Mr. Cooney of Sabattus offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-557) was read by the Clerk.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: The amendment I just offered to the capital construction budget bill, deletes from the bill the proposed parking garage here in the State House complex which has a price tag of \$1,750,000 on it, not including, of course, operating costs.

It is my personal feeling that we have greater priorities, especially in this session. When I look at the items on the Appropriations Table and the worthiness of some of those things, when I think of the delicacy of tax reform, getting it through this session, there is just no way that I can go home to my constituents and say that I voted to spend about \$1.75 of their money, that much for each constituent, on a parking garage here in Augusta. Now, this is only after I—and I am only one citizen with my own ideas on how parking problems could be solved — but I could come up with very quickly three or four ideas that could be used to remedy the parking problems here at the State House complex without this kind of an appropriation. I would go into them, but I don't think it is necessary. I think you, too, probably have some interesting ideas on how things could be improved. I don't think that \$1,750,000, \$1.75 from every person in the state is the way to go about it.

So my contribution to economy and to tax reform and to the L. D.'s on the Appropriations Table, so many of which are so very deserving, is to present this amendment for your consideration, and hope sincerely that you pass it and delete this item from the budget.

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

Mr. HASKELL: Mr. Speaker and Members of the House: Just a word or two about the method by which capital budget is put together. I think of the budget process that we engage in on the Appropriations Committee, probably the capital budget is the most businesslike in its approach.

Very briefly, the departments of the State of Maine are asked to list their capital requests and are asked to assign a priority to their requests. These requests are then gone over by the Bureau of Public Improvements and they assign a priority to all of the projects that have been suggested. The Appropriations Committee then works with the priority list and puts the capital budget together.

The parking garage, if my own experience has been typical, I am sure all of you have had complaints from constituents about the difficulty when they have business to do in our state capital of finding an opportunity to park, particularly when the legislature is in session. And it was the feeling of the committee that the time had arrived when we should seriously entertain the idea of a parking garage.

A subcommittee of the Appropriations was formed, and they have examined this proposition and the alternatives very carefully, and this is their recommendation. I am not going to pursue the argument further because I am sure that some on the committee who participated in the study will respond to it.

As chairman of the committee, I will simply urge you to vote against the amendment that has been offered.

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

Mr. HUBER: Mr. Speaker, could I have this item tabled until later in today's session? I have an amendment which I would like to propose. I would like to have time to get it reproduced.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending the adoption of House Amendment "A" and later today assigned.

**Second Reader
Tabled and Assigned**

Bill "An Act Relating to Salaries of County Attorneys and Assistant County Attorneys" (H. P. 964) (L. D. 1285).

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Monday, June 18.)

Passed to be Engrossed

Bill "An Act Regulating Agricultural Labor Practices" (H. P. 1606) (L. D. 2027).

Bill "An Act Relating to Criminal Penalties for the Possession, Manufacture and Cultivation of Cannabis, Mescaline and Peyote" (H. P. 1604) (L. D. 2025).

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

**Second Reader
Later Today Assigned**

Bill "An Act Providing Housing for Maine's Elderly" (H. P. 1609) (L. D. 2028).

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and later today assigned.)

**Second Reader
Later Today Assigned**

Bill "An Act to Establish a State Housing Rehabilitation Program" (H. P. 1612) (L. D. 2029).

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and later today assigned.)

**Second Reader
Later Today Assigned**

Bill "An Act Authorizing the State Housing Authority to Establish Capital Reserve Funds" (H. P. 1596) (L. D. 2022).

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and later today assigned.)

**Emergency Measure
Tabled and Assigned**

An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975 (S. P. 657) (L. D. 2010)

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.

Thereupon, Mr. Simpson of Standish requested a roll call vote.

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

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

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

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Bither, Boudreau, Bragdon, Briggs, Brown, Bustin, Carey, Conley, Cottrell, Crommett,

Curtis, T. S., Jr.; Drigotas, Dunleavy, Dunn, Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Fraser, Genest, Greenlaw, Hamblen, Haskell, Herrick, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Keyte, Kilroy, Knight, LaCharite, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McNally, McTeague, Merrill, Morin, L.; Morton, Murchison, Murray, Norris, O'Brien, Parks, Pratt, Rolde, Santoro, Shaw, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Susi, Theriault, Trask, Trumbull, Tyndale, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker

NAY — Berry, P. P.; Berube, Binnette, Birt, Brawn, Chick, Chonko, Clark, Connolly, Cooney, Cote, Dudley, Emery, D. F.; Farley, Faucher, Gahagan, Garsoe, Gauthier, Goodwin, K.; Hancock, Hobbins, Hoffses, Kelleher, LaPointe, Lawry, Lewis, J.; McMahon, Mulkern, Najarian, Perkins, Carrier, Carter, Churchill, Cres-Peterson, Ricker, Rollins, Sheltra, Shute, Tanguay, Tierney.

ABSENT — Runker, Cameron, sey, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Dyar, Fecteau, Good, Goodwin, H.; Henley, Kelley, Kelley, R. P.; LeBlanc, Mills, Morin, V.; Palmer, Parks, Ponthriand, Ross, Sproul, Talbot, Walker

Yes, 85; No, 37; Absent, 29.

The **SPEAKER**: Eighty-five having voted in the affirmative and thirty-seven in the negative, with twenty-nine being absent, the Bill fails of final enactment.

The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. **BIRT**: Mr. Speaker, I move we reconsider our action whereby this bill failed of enactment.

On motion of Mr. Simpson of Standish, tabled pending reconsideration and specially assigned for Monday, June 18.

Passed to Be Enacted Emergency Measure

An Act Relating to Tuition Contracts in Administrative District

No. 68 (H. P. 1548) (L. D. 1982)

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 none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Bond Issue

Tabled and Assigned

An Act to Authorize Bond Issue in the Amount of \$7,800,000 to Build State Highways (S. P. 187) (L. D. 494) (C. "A" S-216)

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, a two-thirds vote of the House being necessary, a total was taken.

Thereupon, Mr. Simpson of Standish requested a roll call vote.

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

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

The **SPEAKER**: The pending question is passage to be enacted. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Bither, Boudreau, Bragdon, Briggs, Brown, Bunker, Bustin, Carey, Carrier, Conley, Cottrell, Crommett, Curtis, T. S., Jr.; Drigotas, Dunleavy, Dunn, Evans, Farrington, Finemore, Flynn, Fraser, Garsoe, Genest, Greenlaw, Haskell, Hobbins, Huber, Hunter, Jacques, Jalbert, Kauffman, Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCor-

mick, McHenry, McKernan, McNally, McTeague, Merrill, Morton, O'Brien, Perkins, Santoro, Shaw, Silverman, Simpson, L. E.; Smith, S.; Snowe, Soulas, Stillings, Strout, Susi, Trumbull, Webber, Wheeler, White, Willard, Wood, M. E.; The Speaker.

NAY — Berry, P. P.; Berube, Binnette, Birt, Brawn, Chick, Chonko, Clark, Connolly, Cooney, Cote, Dudley, Emery, D. F.; Farley, Farnham, Faucher, Gahagan, Gauthier, Goodwin, K.; Hamblen, Hancock, Herrick, Hoffses, Immonen, Jackson, Kelleher, LaPointe, Lewis, J.; Littlefield, McMahon, Morin, L.; Mulkern, Murchison, Murray, Najarian, Peterson, Pratt, Ricker, Rolde, Rollins, Sheltra, Shute, Smith, D. M.; Tanguay, Theriault, Tierney, Trask, Tyndale, Whitzell.

ABSENT — Cameron, Carter, Churchill, Cressey, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Dyar, Fecteau, Ferris, Good, Goodwin, H.; Henley, Kelley, Kelley, R. P.; Mills, Morin, V.; Norris, Palmer, Parks, Pontbriand, Ross, Sproul, Talbot, Walker.

Yes, 74; No, 49; Absent, 28.

The SPEAKER: Seventy-four having voted in the affirmative and forty-nine in the negative, with twenty-eight being absent, the Bill fails of final enactment.

The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I move we reconsider our action whereby this bill failed of final enactment.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, having voted on the prevailing side, moves that the House reconsider its action whereby this Bill failed of final enactment.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending reconsideration and specially assigned for Monday, June 18.

Passed to Be Enacted

An Act Creating Androscoggin County Commissioner Districts (H. P. 271) (L. D. 378)

An Act Relating to Forfeiture of all Property Used in Delivering Illegal Drugs (H. P. 623) (L. D. 821)

An Act Declaring Maine's Sovereignty for 200 Miles Seaward from its Boundaries (H. P. 904) (L. D. 1192)

An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and the Division of Alcoholism and Providing an Alternative Sentencing for Violators of Drug Laws (S. P. 635) (L. D. 2008)

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

An Act Relating to Town's Matching Funds for Resurfacing State Aid Highways (S. P. 656) (L. D. 2009)

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

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

Mr. FARRINGTON: Mr. Speaker, I move this matter be tabled for two legislative days.

Thereupon, Mr. Birt of East Millinocket requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from China, Mr. Farrington, that this matter be tabled for two legislative days pending passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Simpson of Standish requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from China, Mr. Farrington, that this matter be tabled for two legislative days,

pending passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Berry, P.P.; Berube, Chick, Clark, Connolly, Cooney, Cote, Cottrell, Crommett, Dunleavy, Evans, Farrington, Fraser, Gauthier, Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Keyte, LaPointe, LeBlanc, Littlefield, McTeague, Morin, L.; Mulkern, Najarian, Peterson, Ricker, Sheltra, Smith, D.M.; Smith, S.; Tanguay, Theriault, Tierney, Wheeler, Whitzell.

NAYS: Ault, Baker, Berry, G.W.; Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Carey, Chonko, Conley, Curtis, T.S., Jr.; Dudley, Dunn, Emery, D.F.; Farley, Farnham, Farrington, Faucher, Finemore, Flynn, Gahagan, Garsoe, Genest, Goodwin, K.; Hamblen, Haskell, Herrick, Hoffses, Hunter, Immonen, Jackson, Kauffman, Kilroy, Knight, LaCharite, LaPointe, Lawry, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, Merrill, Morton, Murchison, Murray, Norris, O'Brien, Perkins, Pratt, Rolde, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L.E.; Snowe, Soulas, Stillings, Strout, Susi, Trumbull, Tyndale, Webber, White, Willard, Wood, M.E.

ABSENT: Briggs, Cameron, Carrier, Carter, Churchill, Cressey, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dyar, Fecteau, Ferris, Good, Goodwin, H.; Henley, Huber, Kelley, Kelley R.P.; Mills, Morin, V.; Palmer, Parks, Pontbriand, Sproul, Talbot, Trask, Walker.

Yes, 39; No, 80; Absent, 31.

The SPEAKER: Thirty-nine having voted in the affirmative and eighty in the negative, with thirty-one being absent, the motion does not prevail.

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

Enactor

Tabled and Assigned

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

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

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

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

Mr. Martin of Eagle Lake requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that L. D. 1569 lie on the table two legislative days. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Simpson of Standish requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present. 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 L. D. 1569 lie on the table two legislative days. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Ault, Baker, Berry, G.W.; Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Chick, Cottrell, Curtis, T.S., Jr.; Dunn, Emery, D.F.; Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Hamblen, Haskell, Herrick, Hoffses, Hunter, Immonen, Jackson, Kelleher, Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McNally, Merrill, Morton, Murchison, Norris, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L.E.; Snowe, Soulas, Stillings, Strout, Susi, Talbot, Trumbull, Tyndale, White, Willard, Wood, M.E.; The Speaker.

NAYS: Albert, Berry, P.P.; Berube, Binnette, Boudreau, Bustin, Carey, Chonko, Clark, Conley, Con-

nolly, Cooney, Cote, Crommett, Dudley, Dunleavy, Farley, Faucher, Fraser, Gauthier, Genest, Goodwin, K.; Hancock, Hobbins, Jacques, Jalbert, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Morin, L.; Mulkern, Murray, Najarian, O'Brien, Peterson, Rickler, Rolde, Santoro, Sheltra, Smith, D.M.; Smith, S.; Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell.

ABSENT: Cameron, Carrier, Carter, Churchill, Cressey, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dyar, Fecteau, Good, Goodwin, H.; Henley, Huber, Kelley, Kelley, R.P.; Mills, Morin, V.; Palmer, Parks, Pontbriand, Sproul, Trask, Walker.

Yes, 66; No, 57; Absent, 28.

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

An Act to Create a Maine Agricultural Bargaining Board (H. P. 1511) (L. D. 1941).

Was 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.

Supplement No. 1 was taken up out of order by unanimous consent.

**Passed to be Enacted
Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Providing Minimum Retirement Benefits for Certain Teachers. (S. P. 353) (L. D. 1049)

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

Resolve, Authorizing the County Commissioners of Sagadahoc County to Pay Certain Claims. (H. P. 1547) (L. D. 1981)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and 3 against, and accordingly the Bill was finally passed, signed by the Speaker and sent to the Senate.

An Act Giving Powers of Arrest to State House Security Officer. (H. P. 821) (L. D. 1058)

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

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: I don't mean to belabor the issue. I lost it overwhelmingly the other day and I would only ask for a division. I hope you would not enact this legislation at this time.

The SPEAKER: The pending question is passage to be enacted of L. D. 1058. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

99 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

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

An Act Providing for Motor Vehicle Operator's License Classification. (S. P. 409) (L. D. 1211)

Was 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 to Allow Group Self-Insurance Under Maine's Workmen's Compensation Law. (H. P. 1345) (L. D. 1779)

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

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This bill was reported out of committee. The committee chairman had a couple of questions about it. We have had two meetings with the insurance commissioner and the industrial accident commissioner concerning those questions, and we have worked out the difficulty with it; and I had the amendment prepared this morning, and I read it over and one portion of it was left out. So I had to take it back, and I think it may be ready a little later this morning if somebody would like to table this until later in today's session.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and later today assigned.

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

An Act to Clarify and Improve the Enforcement of Decisions of the Public Employees Labor Relation Board. (H. P. 1421) (L. D. 1857)

An Act Appropriating Funds for Sheltered Group Care Home for Girls. (S. P. 595) (L. D. 1878)

An Act Relating to Regional Planning. (H. P. 1573) (L. D. 2003)

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

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

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

Mr. Cooney of Sabattus requested a vote on passage to be enacted.

The SPEAKER: The pending question is passage to be enacted of L.D. 2004. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

99 having voted in the affirmative and 7 having voted in the negative, the motion did prevail.

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

Enactor

Later Today Assigned

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

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

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

Finally Passed

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

Resolve, Authorizing the Commissioner of Mental Health and Corrections to Convey Land at the Augusta State Hospital to the Augusta Sanitary District. (H. P. 1533) (L. D. 1966)

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

Orders of the Day

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

Bill "An Act to Improve the Lobster Fisheries" (S. P. 638) (L. D. 1973).

Tabled — June 13, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Maddox of Vinalhaven that the House adopt House Amendment "A" (H-559).

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: As I said yesterday, I move the adoption of this amendment for the following reason: There are only two questions involved here, the number of traps in the water and the reproduction of the lobster. The Sea and Shore Fisheries Commission has tried for years to do something about the reproduction rate of the lobster. However, they have not been able to accomplish much in that respect.

The problem is the over-fishing. It should be cut down, the number of traps in the water should be cut down. This amendment would, starting in '74, cut the number of traps down to 600 per man. Now, it has a sliding scale for two years following that. If somebody wants to offer an amendment — and I believe they have — to have the number of traps set at 600, I am agreeable to that.

I do not believe the licenses should be cut for the following reason: All of these fishermen and the new young men who desire to become fishermen are taxpayers of the State of Maine. They are contributing to all the expenses incurred by this state. They are contributing to the cost of our actions here. If a man makes up his mind he wants to be a lobster fisherman and is willing to undergo the hardships and the hazards of that occupation, he should be allowed to do so provided that he observes the necessary trap limit that we believe will make the difference in the declining lobster population.

I think we have that responsibility to allow these people to exercise their prerogatives to choose the type of location and the type of living they want to follow. These men work entirely on their own without fringe benefits of any kind, no hospitalization, no paid vacations, no guaranteed retirement after the years following his occupation. For that reason, I be-

lieve they should be allowed to pursue this course if they wish; and as far as the licenses — the limitation of the licenses is concerned, nature has a way of natural attrition that will take care.

This is not the most attractive occupation in the world. You can work as hard or as little as you want at it, but you are subjected to the hazards of hard work, long, cold work and the possibility that any time your entire investment may be wiped out. Today, as yesterday, I reiterate, I urge the adoption of this amendment.

Mr. Jackson of Yarmouth offered House Amendment "A" to House Amendment "A" and moved its adoption. House Amendment "A" (H-569) to House Amendment "A" was read by the Clerk.

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

Mr. JACKSON: Mr. Speaker, Members of the House: The purpose of this amendment is to limit the number of traps fished by a man to 600 instead of going down the further two steps that Mr. Maddox's amendment brings it down to 400.

The reason I am presenting this is because the full-time lobsterman, the man who is making a full-time living out of this, could not survive on 400 traps; where with 600 traps, he still could. I feel that the lowering the limit to 400 traps would force the whole lobster industry into a position where it would all be a part-time industry.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Members of the House: Lobstering is the second largest industry in my town next to the shipyard. I am in favor of House Amendment "A".

I wish to state now that any reduction or a limit on lobster fishing licenses could be a law for some of our more conservative people to start limiting the hunting and fishing licenses for the residents of the State of Maine in this state.

Thereupon, House Amendment "A" to House Amendment "A" was adopted.

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

Mr. Greenlaw of Stonington offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-570) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: This amendment to this bill accomplishes two things. First of all, it puts back the license designation into the bill which House Amendment "A" took out. I believe it is worded in such a way that it would take away the objections the gentleman from Vinalhaven suggested yesterday. I quite concur and agree with him that there is no reason why we limit lobster fishing to just a one-man operation. In the wintertime there are occasions, quite frequently, when a lobsterman will take a stern man with him.

The second part of the amendment deals with license reduction. I believe that the fishermen feel very strongly that with a trap limit there must be a license freeze, and this is exactly what this accomplishes.

I perhaps would have liked this structured a little bit differently in this amendment, but there is another bill that will be before the House later on today. I hope, that will deal with this problem more conclusively.

I now move adoption of House Amendment "B", Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker and Members of the House: I am a little reluctant to rise to oppose Mr. Greenlaw, but I feel that I have to. In the first place, I am not entirely satisfied with the matter in which two men in a boat is handled by this amendment. It is a very important question to the fishermen. To the second part of it, I am utterly opposed to limitation of licenses for the reason that

I stated a few minutes ago. A citizen of Maine is entitled to share in the bounty of the State of Maine. The State of Maine claims the only lobster population off the coast, okay. A citizen pays his taxes he contributes to the expenses of this state, he is entitled to take a part of what the state claims as his own which he is paying to support. Therefore, for those reasons, I oppose this particular motion.

It is a question that goes beyond just ordinary comprehension because people are not acquainted with this unique industry. You find the lobsterman is controlled by forces other than those that any man can impose. He is controlled by the forces of nature which will add up to a natural limitation over the years. I doubt you will ever see the day when there will be more licensed lobstermen than there are at the present time. It is not the type of work that attracts people. It attracts men who are willing to work and work hard and work under abnormal and hazardous conditions. A great many people will start but darn few will finish.

I think we should maintain so far as we can the status quo, leave these people alone as much as we can. We have got too many laws now. We have got laws we can't enforce. Let's look after the laws we have got and leave these people to work as much as we can unmolested and at the same time to protect them against the over fishing which this amendment will begin to curtail.

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

Mr. BITHER: Mr. Speaker and Members of the House. I think it is rather strange for someone from Aroostook to get into this lobster fishing business, but we might as well get into it. I am very much opposed to any limit on the licenses. Now this, as the gentleman just stated just now, this is one of our natural resources, it belongs to the State of Maine. It is the perfect right for every citizen of Maine to get a fishing license if he can afford it and go fishing for lobsters.

You might just as well, in fact, we have already thought of amending this still further. I am serious about this, we have already thought about it, of amending this still further and prohibiting anyone outside of Aroostook County from planting potatoes in their garden. Now this is almost the same thing.

The next thing you know, you are going to have a limit on the hunting licenses. I don't think the lobster fishermen that I run up against like this at all. I am very much opposed to this part of the amendment.

Mr. Speaker, I move that this amendment, House Amendment "B" be indefinitely postponed.

The SPEAKER: The gentleman from Houlton, Mr. Bither, moves the indefinite postponement of House Amendment "B."

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: Being from not necessarily a fishing community, where Brunswick is not right on the water except for a few sections of it, such as Mere Point, Maquoit Bay but the Harpswell people of which I am very close to, although I do not represent them, I am on the Marine Resources Committee and in that faction, I feel that I do represent these people. And they feel that House Amendment "B" is one that is needed.

First of all, if we are going to limit the traps, we have got to limit the number of people fishing, because they cannot make a living on a limited number of traps if we don't try to limit people that are going to be taking these fish from the ocean. I am definitely in favor of House Amendment "B" and hope that you vote against the motion to indefinitely postpone.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Living in a coastal community and representing possibly 400 lobster fishermen. I speak in opposition to any license limitation. In my particular area, every summer we have new youngsters who are

applying for licenses in order to make a little money, possibly spending money, and also to put some aside for their education. This has been going on for years, and I see no need at all for the limitation on licenses. I think it is illegal really. I think it would greatly develop into a court case if we ever voted on anything like this.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would like to pose a question to the gentleman from Stonington. I am confused about the intent of the amendments. If the amendments pass, is the effect to have a license on the boat or a license on the fisherman? If there were two fishermen with licenses fishing from one boat, could they both haul 600 traps; or would there be a 600 trap limit on the boat?

The SPEAKER: The gentleman from Portland, Mr. Connolly, poses a question through the Chair to Mr. Greenlaw, if he wishes to answer.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Portland the reason for licensing a boat with a trap limit I think is elementary to any legislation that we pass.

If, for example, I owned a lobster fishing boat and the gentleman from Portland wanted to go as my stern man, under the present system, with a trap limitation of 600 traps, I could get 600 traps and so could the gentleman from Portland. That would be 1,200 traps to a boat.

Now, if we agree that there are too many traps in the water, I think probably most people do, this certainly would accomplish what we are trying to achieve, namely, cutting down the number of traps. So by licensing boats, as we have done with this amendment here, provided the boat is licensed, the operator of the boat can take as many helpers as he wants without having to pay a fee. So the essence

of it is that a trap limit would be 600 to one individual boat.

In reference to the license fee, I think there are several points that ought to be made. I was in the department checking on the number of licenses, lobstermen who have had licenses that have been issued this year as compared with last year. And there are approximately 1,000 more licenses that have been issued this year as compared to a year ago at this time. And there is no question about the trend is to continue to see these license requests increase.

There are some very real serious problems in the lobster fishing industry today. The fishermen, I think, are all talking about a trap limit. And with the trap limit, they are talking about some type of a license freeze in order that if they are cut down, this will not allow wholesale introduction of many more people in the industry.

The amendment as it reads says that after December 31, 1973, only replacement licenses will be issued. So just approximately six months for anyone who is interested in getting a lobstering fishing license, it will be grandfathered under this clause. After that date, only renewal licenses will be issued until the time that the license is reduced to 5,000. And with the increased license fees as they are in House Amendment "A", the projection is that the licenses would drop to 5,000 very quickly.

I ask you to oppose the motion to indefinitely postpone House Amendment "B".

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I believe something probably hasn't been brought up that should. The gentleman from Stonington, Mr. Greenlaw, has really done a study on this. I believe he probably has done more work in this area than anyone on the committee. He has gone about the state on the coastal areas and checked with the fishermen to see just what they want. He has put this together, he has a bill that is now pending that is similar to this. I believe that through the study he

has made, with the fishermen giving the responses, the questionnaires that he as given out, this is really the way the fishermen want it. I think we have to more or less tend to what they need also to earn a living, just as the rest of us earn a living in our own professions.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I personally appreciate the effort that Mr. Greenlaw has put into this question in regard to lobsters. But I also feel that the committee, the interim committee that made the study on this also did a considerable amount of work.

There is one other thing I would like to bring out in regard to the increase in the new licenses. We have known for months that there was a threat of a freeze on the licenses and as a result, in talking with the commissioner, he finds that fathers are procuring licenses for new born babes even, males, in order to qualify under the freeze of licenses if it should materialize. That is the reason primarily that the licenses have increased.

Now, as far as the boat or individual being licensed, I can see no difference of two men fishing in a boat and fishing 1200 traps or fishing singly in two boats and fishing 600 traps. It all adds up to the same, 1200 traps.

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

Mrs. McCORMICK: Mr. Speaker, Members of the House: I, too, am opposed to this amendment, even though I live 16 miles inland, we still have a few lobstermen in the Town of Union. One of the things I am opposed to in this bill is the part that says the owner of the boat may haul only the traps licensed to that boat and the commissioner shall be empowered to allow the boat to haul traps not licensed in an emergency type situation.

To begin with, lobstermen usually haul their traps on the best day possible. If this happens on the weekend and they have got a good day and their boat doesn't

work, how do they get ahold of the commissioner? They are going to have to wait a couple of days. By the time they get the commissioner, it may be kind of stormy at sea. Then the lobsters stay there a few more days. I think this is too much of a regulation.

I am also a little confused with the last amendment which we just put on, House Amendment "A" to House Amendment "A". Mr. Jackson said that a lobsterman couldn't make a living with 400 traps, so we put it to 600. Well, if one lobsterman can't make a living with 600 traps, how is a man going to license a boat to 600 traps and take out two other people to help him. How are three people going to make a living on 600 traps.

I would certainly go along with the indefinite postponement of this amendment.

Mr. Greenlaw of Stonington was granted permission to speak a third time.

Mr. GREENLAW: Mr. Speaker and Members of the House: I would like to answer if I may the question posed by the gentlewoman from Union, about how the commissioners will authorize another fisherman to fish from a different boat. It is assumed that this type of authority will be delegated to the wardens and there will be a working agreement between the wardens and the fishermen. So I don't see this as a problem.

The question about boats being licensed as opposed to individuals, perhaps if I could elucidate a little bit, would perhaps clarify some questions. There are some fishermen, I don't know exactly how many, who take what is called the stern bearer, a helper, on a boat. With 600 traps, there is no question in my mind, but probably most fishermen could still continue taking his helper; this wouldn't be limiting him in any way.

The point here is that if a fisherman wants to take out you or I during the summertime or a friend from the area, presently if he is to do anything but observe, he has to be licensed. And this is what the fishermen are saying. They are saying, license the boat, give us 600 traps per boat and let us take whoever we want. Now, this

doesn't for one minute say they have to take anyone or they don't have to take anyone. It gives them this option.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I don't represent many lobster fishermen down in the big City of Portland. But during the course of this 106th Legislature, I have opposed every industry and every attempt by any industry to lock their own industry into themselves only. I have to continue to oppose any attempt by any industry to lock that industry into themselves only, especially by limitations on a type of license.

One thing I do represent from Portland though is the recreational fishermen. A lot of my constituents, lobster fishermen with 10, 15, 20 traps solely for the purpose of recreation. They have absolutely no desire to make a living at it. But they do go out on their off nights or their off days from their work and lobster fish just for the sole pleasure of fishing.

So there I would have to support the indefinite postponement of this amendment.

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

Mr. MULKERN: Mr. Speaker and Members of the House: I hate to disagree with my colleague from Portland. I served on the Marine Resources Committee. I don't really feel that this House Amendment "B" is going to be that much of a problem to the part-time fishermen in Portland.

I would like to clarify the reason for Mr. Jackson's amendment on the 600 trap limit. We would have a real problem with this in our area, the 600, 500, 400 trap limit because many of our lobstermen in our area fish some of them 1,300, 1,400, 2,000 traps. Although they are willing to go along with the 600 trap limit, the 500 or 400 would really, I think would really kill them.

However, I don't really feel that this license freeze is going to hurt that much.

I am going to quote something from the survey of the lobster in-

dustry that Mr. Greenlaw did across the State of Maine. Out of 407 lobstermen that he spoke to on this question of freezing the licenses, 53 percent were in favor of it.

Mr. LaCharite of Brunswick requested a roll call vote.

Mr. ROSS: Mr. Speaker and Members of the House: I have just one question to ask the gentleman from Stonington, Mr. Greenlaw. How many licenses are currently issued?

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: In 1972, I believe there were 7,204 licenses; currently, as of the 12th of June, I believe there are 5,800 licenses or in that vicinity.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I strongly oppose this amendment that is presented by Mr. Greenlaw. He stated that the number of licenses this year will probably run over 8,000 licenses. This amendment will freeze the licenses down to 5,000 licenses. Now, if we adopt this amendment, we are going to put roughly 3,000 people out of business, and I don't think now is the time to put anyone on welfare in the state here.

Another section — this section would further freeze the young people and even the veterans returning from the war out of the lobster business if they wanted to go in it. The first part of the section, the amendment would prohibit the father and son lobstering in the winter, because two people could not be licensed for the same boat.

So I would hope the House would indefinitely postpone this amendment.

Mr. Lewis of Bristol was granted permission to speak a third time.

Mr. LEWIS: Mr. Speaker and Members of the House: I think it was just stated here on the floor of the House that 58 percent of fishermen already holding licenses voted in favor of the freeze of licenses. Now, to me that seems quite logical. If they already have their license, why should they be too concerned about somebody else getting a license?

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

Mr. JACKSON: Mr. Speaker and Members of the House: I think it is time at this point to take a little closer look at the lobster industry and consider some of these things. Lobsters are not a plantable resource like a potato you can plant and get a crop back depending how the weather falls and things like this. There are only so many in the ocean, and they propagate themselves and carry on. But what we have got here is a question through the years of the catch dropping. Now, in 1968 we had 20.5 million tons. In 1972 we were down to 16.3 million tons catch. It has been a steady drop down through the years. Licenses: 1969 we had 5,750 licenses; 1972, we had 7,045 licenses. So the licenses have been going up while the tonnage has been dropping. Number of traps in the water: In 1970 we had 1,966,000 traps in the water. In 1972 we had 1,247,000 traps in the water.

So what we have here is we have tonnage dropping, we have licenses — more and more people fishing, and we have the number of traps dropping. I think what we have got is the lobsters being fished out, and the fishermen realize this and have shown this in the survey done by Mr. Greenlaw. I think they realize they need controls, and we do need controls.

I am personally very tired of hearing the State of Maine looking at the next guy's lawn and saying let's get oil refineries, let's bring in industry, let's do all these things, and we overlook our basic resources of farming and the fisheries. I think this is one part of that picture regarding the fisheries, and it is time we helped

them and did something for it instead of turning our backs on it and looking at the next guy and saying, well, wouldn't it be nice if we had an oil refinery to bail ourselves out.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I think if the gentleman from Yarmouth had gone a little further in his figures, he might have brought to your attention that the lobster industry this year, according to the report in the newspaper, the catch has doubled the catch of last year. Last year at this time the lobstermen had caught around 350,000 pounds of lobsters. However, this year they have caught over 720,000 pounds of lobsters. So I don't think we can say that we are going to do all of this in the name of conservation.

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 Houlton, Mr. Bither, that House Amendment "B" to L. D. 1973 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Carey, Carter, Chick, Conley, Cote, Donaghy, Drigotas, Dunn, Dyar, Emery, D. F.; Farley, Farnham, Farrington, Ferris, Finemore, Flynn, Fraser, Gahagan, Gauthier, Genest, Hamblen, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Max-

well, McCormick, McHenry, McNally, Merrill, Morton, Murchison, Norris, O'Brien, Perkins, Pratt, Ricker, Rollins, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Tanguay, Theriault, Trask, Trumbull, Tyndale, White, Willard, Wood, M. E.

NAY — Berry, P. P.; Berube, Briggs, Chonko, Clark, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Dunleavy, Faucher, Garsoe, Goodwin, K.; Greenlaw, Hancock, Hobbins, Jackson, Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, J.; Martin, McKernan, McMahon, McTeague, Morin, L.; Mulkern, Murray, Najarian, Peterson, Rolde, Ross, Smith, D. M.; Smith, S.; Soulas, Susi, Talbot, Tierney, Webber, Wheeler, Whitzell.

ABSENT — Albert, Cameron, Carrier, Churchill, Cressey, Crommett, Dam, Davis, Deshaies, Dow, Dudley, Evans, Fecteau, Good, Goodwin, H.; Henley, Kelley, Kelley, R. P.; LaPointe, Mills, Morin, V.; Palmer, Parks, Pontbriand, Sheltra, Walker.

Yes, 79; No, 44; Absent, 27.

The SPEAKER: Seventy-nine having voted in the affirmative and forty-four having voted in the negative with twenty-seven being absent, the motion does prevail.

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

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

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

Tabled — June 13, by Mr. Simpson of Standish.

Pending — Motion by Mr. Simpson of Standish that the House adopt House Amendment "A" (H-531).

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

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

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

Tabled — June 13, by Mr. Simpson of Standish.

Pending — Motion by Mr. Sproul of Augusta to indefinitely postpone bill and all accompanying papers.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read to you a letter I received and which has been distributed to you for inspection. It is a memorandum from the Maine State Retirement System from William J. Blodgett, Assistant Executive Director. Estimated revised cost of L. D. 223, and I will quote: "The following is a response to your request for a revised estimate of costs for L. D. 223, An Act Relating to Service Retirement of State Mental Institution Employees based upon amendments to this L. D. restricting its application to employees who have the direct care of patients and any retirement allowance granted to a member under age 60 shall be a reduced amount determined by applying to the retirement allowance a percentage that a life annuity due at age 60 bears to the life annuity due at age of retirement.

Attached is a possible revised version of this L. D, which if L. D. 492 were passed, would not involve any cost to the state. If legislation could be drafted to spell out the classification to be covered, it would, in all probability, avoid much of the misunderstanding and confusion which has been encountered in other legislation affecting specific groups. I have also prepared that amendment, and it is on your desk.

I was in hopes today the gentleman from Augusta, Mr. Sproul, would withdraw his motion and allow me the privilege of offering it. After all, his main concern was the cost.

The SPEAKER: The Chair would inform the gentleman that amendments take priority over motions to indefinitely postpone. If the gentleman cares to offer a motion

to amend at this time, he may do so.

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

House Amendment "B" (H-567) was read by the Clerk.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: The amendment reads as follows: "Any member who is an employee of a state mental institution, who has the direct care of patients and who has at least 20 years of creditable service, may be retired on a service retirement allowance which is equal to 1-50 of his average final compensation. Any retirement allowance granted under this provision to a member under age 60, shall be at a reduced amount determined by applying to the retirement allowance the percentage that a life annuity due at age 60 bears to the life annuity at the age of retirement."

The statement of fact: "This amendment would not involve any cost to the state as it spells out the classification to be covered and would avoid misunderstanding and confusion."

I hope you will accept this amendment.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I noticed one thing in that amendment, that if this 492 doesn't pass, it will be incorrect. I believe he made the statement in that amendment 567, that 1-50. Well, 1-50 isn't the law at the present time, 1-60 is the law at the present time. I wonder if this wouldn't make a conflict of interest until 492 becomes a law?

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore poses a question relative to the status of 492 and whether or not it has been signed by the Governor.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding L. D. 492 was delayed this morning in the other body for just that one

reason, to see what happens to this amendment, to this bill.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: This amendment as it is written at the present time, I move for indefinite postponement. It is not concurrent with the other bill.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the indefinite postponement of House Amendment "B".

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: The letter stated such, but the amendment doesn't state actually the same thing, because the difference in the bills is that L.D. 223 will be paid at the rate of 7½ percent and not 6½ percent as is in L.D. 492; and that is the main reason why there will be no cost to this bill.

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

Mr. NORRIS: Mr. Speaker and Members of the House: To try and explain to Mr. Finemore, of course this bill deals with just a special segment and certainly is not the same as the bill in the other body. This would deal with 20-50 at retirement if you took the 20 year route rather than 25-50 as the other bill deals with. So you could retire at 40 percent of your total pay at the time of retirement rather than at 50 percent. But I don't see that this in any way conflicts with the other bill, because this deals with a 20-year retirement program for some 2,000 workers that are concerned at Bangor State Hospital, Augusta State Hospital and Pineland. This is all it concerns itself with, and in no way and we have been assured by the actuary, and he worked on this thing for three days now, and that is where this amendment came from; and that is where these figures came from, from the retirement system themselves. They have assured us that there is no problem, there is no cost attached to this bill.

If we accept this amendment, the extra 1 percent with the additional interest that is built over the period of time will allay any cost to the State of Maine and this is simply a bill that has been redesigned in order to go along with a study committee, hopefully to give us better morale and it doesn't cost anyone but the people who are participating the one percent that they are willing to contribute. So I really can't see how it affects the other bill or how it will in any way, negate the other bill, because the other bill can go merrily on its way, and if we can pass this bill this morning, then it can go to the other body and take its chances there.

I don't see how what the other body is doing to a different bill has any reflection to this bill because this bill doesn't affect it.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Bangor makes it sound very very good. They are going to increase 1 percent. One percent won't take care of this, so there is going to be a cost to this bill. It takes over 3 percent to take care of the difference between the retirement ages. I think those figures are incorrect. I know one percent isn't enough because we have talked that over on the other bill and to leave this one-fiftieth in at this time, and if 492 doesn't pass, they will have preference because all the rest would have one sixtieth and they would have one fiftieth. I think this amendment as written — I am not against amending the bill properly — but as written, I think it is in the interest of this bill and 492, too. I hope you don't go along with the acceptance of House Amendment "B."

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker and Ladies and Gentlemen of the House: This sounds like you are trying to make a State Police bill out of this, but I haven't talked with — I am on the Veterans and Retirement Committee and I am sorry Mr. Henley isn't in his seat

today. I just do not know what they are trying to accomplish here. I would like to hear from one of the Bangor Representatives, what they said, the deduction will be from Maine people's salary. Under 492, it will be raised from 5 percent to 6½. I do not see how it is going to take care of this thing on a 20 year service. I would like to hear from them what the deduction will be.

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

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: To try and answer the question, under this bill it is raised from 5½ to 7½. So if the other bill, the bill that they are speaking of in the other body does not pass, let's say that it doesn't pass and I feel that it is going to pass, I am going to vote for it. But if it doesn't pass, this bill — the people under this bill would then be making from what they are making now, a two per-cent increase in their deduction. If the other bill passes, this is only one percent over the other bill, but this is two percent over the 5½ that they are paying now.

I hope that answers the gentleman's question. I would, Mr. Speaker, request permission to speak a third time very briefly.

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

Mr. NORRIS: To answer my good friend, Mr. Finemore, I would inform the good gentleman, Mr. Finemore, that we have been over to the actuary and that these figures, if the figures are correct — because the same people did the actuarial computations on this bill that did the computation on the other bill, the same people the same man — if the figures are correct on the other bill, then they certainly must be correct on this bill because the same people have done them and the letter that Mr. Soulas read to us came from those very people and I thank you for the courtesy, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker, I would ask this bill be tabled one day.

The SPEAKER: The gentleman from Parsonsfield, Mr. Pratt, moves that this matter be tabled one legislative day pending the indefinite postponement of House Amendment "B". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 10 having voted in the negative, the motion did prevail.

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

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

Tabled — June 13, by Mr. Martin of Eagle Lake.

Pending — Acceptance of Committee Report, "Ought to pass."

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-463) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Joint Order Relative to Environmental Study (H. P. 1608).

Tabled — June 13, by Mr. Simpson of Standish.

Pending — Passage.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Quite honestly, I hate to take exception with my good friend from Caribou, Mr. Briggs. He and I discussed this particular order and as you remember the other day, we had a bill in here which would create a commission to do this study and it ran into considerable complications when people started to amend it. Therefore, the bill was indefinitely postponed and out came an order.

In the order that is pending before us right now, it just states that the joint standing committee of the 106th Legislature on Natural Resources be the committee that would study the environmental laws. It says that such study committee shall be authorized and empowered to employ a director, a legal counsel and such other consultative and clerical services as may be necessary, may obtain office space, supplies, equipment and so forth and seek and accept funds from the federal government and private foundations to complete its work. Then it comes down and wants an appropriation on it of \$50,000 on top of that to complete the study.

It is my feeling that we, one way or another, will have the availability of the joint standing committees at our disposal during the interim session. I believe it is very unwise to put a \$50,000 appropriation on a study such as this as one of our joint standing committees would be using and that they would be given the power to get this clerical work and staff work — when we have six staff men now that we propose to give to these committees during the interim period and one of those staff men at least is a lawyer.

I have on your desks right now a redraft of this particular order. I did not want to try to amend it. I felt it was better to have the order itself. My order would give it to the Legislative Research Committee, as all our orders have gone through here right now with no funding, because it would then be funded out of the Legislative Research Account, and I would now move the indefinite postponement of the order before us.

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I regret the necessity arose here this morning in opposition to my very good friend, the gentleman from Standish, Mr. Simpson. To repay him for his courteous remarks directed at me. However as the saying goes, I find that two words make it necessary for you to quit the whole scene in the

legislature. One of them is, they give a long speech glorifying you and then say "but." Usually when they say either "but" or "however," it is time to fold your tent and head for the clearing. But, however, I must go on to give you some of the benefit of my great knowledge and wisdom and circumspection and genius in all these matters relating to our priceless environment.

I want to tell you that what happened originally with respect to the order, the commission which the gentleman from Standish spoke of was that it turned out to be not at all what the developer of the commission or committee chairman had sought originally. Eventually it got to a point where it was going to have about 25 or 28 bodies or something like that on it. We thought that it had gotten so far away from what the original intention was that we felt we would be better off if we could postpone that bill and replace it with an order, which we did and which was accepted. It merely replaced what had been the intent of the chairman of our committee, whose bill it was in, the first place. So that is what my order did.

You will remember that the gentleman from Standish, Mr. Simpson, made reference to the fact that all other matters were being referred to the Committee on Legislative Research, and if you would care to examine your Senate calendar on page 14, just as a casual example, I know of two items on that same page very close together which are a joint order relative to committees to study certain matters which were not referred to Legislative Research, but which should be this specific committee that did the studying.

I have an even more interesting and important nature to mention and it is, in fact, the remarks of the gentleman from Standish, Mr. Simpson, on a previous day of our legislature, and I quote, "I do not know really whether this is the time to debate that particular issue, but I would hope, first of all, I believe that we ought to stay from commissions to study certain things and I would hope that the

gentleman and his committee would possibly take the Natural Resources Committee and use it in its best wisdom during the off session and not report out such a bill that we get into that type of debate on the floor of the House."

So here, on the one hand the distinguished gentleman from Standish, Mr. Simpson, is urging us to utilize our own committee, which is a very exact thing which my order specifically specifies, and on the other hand, we find him contrary to that fact, rising here today wishing to refer this study problem to the Committee on Legislative Research. I find that rather contradictory.

You all know what the problem has developed into. Over the past several sessions, due to the wisdom of the legislature, it was deemed necessary and advisable to promulgate a certain amount of laws and regulations which were hoped, I have no doubt by those sessions of the legislature, would regulate to a degree the extent to which our natural resources are being exploited here in this great state.

I am sure that it wouldn't require any great deal of imagination to understand that as these regulations begin to regulate people, they begin to pinch the toe here and there so they had a lot of cries like a bunch of gut-shot panthers every time that they have to be regulated.

I have this little booklet here called the Maine Line, which is the tome of the Bangor and Aroostook Railroad, sometimes referred to as Maine's fastest hound dog, but in this booklet, if I may quote just briefly from the first couple of paragraphs, it states, "Anyone who thinks there isn't a strong public mandate for environmental reform just hasn't been listening." And further to quote, "Clearly there is the winds of change that are sweeping the country and the state, an irresistible force to clean up the air, the water and the land itself. The environmental movement is an idea whose time has come. The company that doesn't understand that phenomenon, will leave its bones bleaching in the wake of the next decade."

The Bangor and Aroostook Railroad doesn't happen to be any particular friend of mine, but of course any port in the storm, I am always glad to be able to quote something of that type, because I feel that the citizens of Maine, on balance, desire to have the type of environmental regulations which will indeed give them protection and will bring about the wise use and development of our priceless, valuable natural resources and that is why these regulations which are being questioned by you know who are in contest.

First they have tried to defeat all of the regulations as they were presented in the previous legislature and they were unable to do so. Then they tried in subsequent legislatures to see if they can modify or remove them and were unable to do so. Now they have had about every substantial environmental bill that we have had, passed in previous sessions, dragged into the courts to try to get the courts, in the final analysis, to cry with them and prove that they were invalid and the courts have refused to do so.

I might add, I am sure you all know who paid the costs of the courts while we were going through this senseless process. So because of all these problems, there is a great hue and cry among the minority of powerful interests in this state to make a very far-reaching examination in the environmental laws. What this truly intends to do, as I see it, is to begin to drive a wedge into the environmental laws which previous sessions of the legislature have established.

It is very important, I think, for me to point out that I didn't come down here to this session of the legislature with the idea of developing any far-reaching, landmark environmental laws and I did not attempt to do so. The two little modest acts that I have my name attached to, are indeed nothing to cause anyone any very great concern and they have in every case received the unanimous reports of the committee.

The main problem is this. We feel that the Natural Resources Committee, which is represented during this session by this volume

of work activity, has done a very creditable job, that they are very competent, even though we are vastly different from the point of view of philosophy and we have sharp differences in the committee, but I think we have done a very commendable job. We certainly have worked hard and I think the Committee on Natural Resources is especially capable and well endowed and well able to do a study of this nature and to bring a report back to the next session of the legislature telling them what would be the course the study has developed. I don't feel that the legislative research committee, with all due respect to it, is that well endowed or would have as good ability to consider and report on the environmental laws of our state. I think this committee which has already delved into the laws and worked very hard on them is better able to do so.

Therefore, I hope you will defeat the motion of the gentleman from Standish, Mr. Simpson.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman, it is not my intent to not have the Natural Resources Committee do this study. It has been our intent ever since the legislature started this year that — and I feel so confident about this, I think this is the one issue we will eventually get through here, and that is that we will utilize the joint standing committees and their expertise in the areas where they work on a year-round basis. Right now we do not have that on the books. So therefore, right now we have to put these different studies into the Legislative Research Committee which is the vehicle we have, and we have done just that. We had one on the workman's compensation laws that we killed the commission and we are going to have an order coming in which will have the Legislative Research Committee doing it with the intent that in the last days when the bill that we substituted the report for this morning or the Legislative Reform Package, that we then will give

that study to the Labor Committee. Veterans Retirement will do the study on the retirement system. Should this particular committee at some time during its study determine that they need funds for some particular thing, I am sure that the funds would be available to give them to them. I have no objection to the Natural Resources Committee doing it. In fact, that is just exactly who I would like to have do it. But I don't want to see them put an order through right now for one committee to have \$50,000 to hire a director, hire a legal counsel, when I believe that everything we have going for us is right here, right now, without this type of order.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I feel like a lost sheep here this morning after listening to the silver-tongued orator from Caribou. He has really given us a commencement address and a culmination of a session's work on the Natural Resources Committee. I I apologize to you this morning that I was a little naive that I thought that our committee could ask for and receive \$50,000, as the Representative from Standish, Mr. Simpson said. I would very definitely like to see this study kept alive, because I feel a little guilty that I shot the bill down the other day. However, in the interest of a better working group and to give it the strength and the study that it needs — just to discourse for just a moment, I know you are tired and it is getting toward lunch. Mr. Briggs has brought out a point which I know has been a thorn in his side since we came here in January that somebody is out to sabotage all the environmental laws in the State of Maine. I don't agree with him, but I do at this point feel they should be looked at, seriously looked at, so that we do not head off some compatible development in the State of Maine. I concur right now with Mr. Simpson.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, cannot compare with the gentleman from Caribou in oratory, but I did learn to read some years ago, and I would like to read to you as he did an excerpt from the magazine that I have here. The heading is, Planning the Parsley Prohibition. An American's home is his castle, right? A citizen's right to own property, whether it is a thousand acre ranch, a billion dollar oil refinery, a mom and pop grocery or a 100 by 150 bit of suburban blue heaven is the whole American idea, isn't it? The collectivists know that too many Americans still remember the serfdom on land irrevocably owned by a poorly supported aristocracy was what their forefathers came to America to escape. Calls for government ownership of all the land in the country just don't seem to rally many Americans to their revolutionary barricades. Of course, the federal government already owns a sizable one third of the land in this country, a whopping 761 million acres. But Americans tend to accept that, if they even know it, because the holdings are used for such acceptable unquestioned government uses as national parks and forests, military installations, Indian reservations, and bureaucratic bee hives such as HEW, HUD, and the subterranean digs of Henry the Swinger. But making an open grab for Archie Bunker's backyard might just prove to be big brothers undoing even now, which is why making an open grab for our property is the last thing big brother has in mind at the moment.

Therefore, for reasons politic, the name of the land grab game is land use planning, and many other horrors already perpetrated in the name of the environment which land use is planning is essentially designed to protect.

The State of Delaware has already passed legislation which bans major industry on its coast. The State of New York and New Jersey as of this writing is considered sure of following suit with an even stronger law controlling anyone's use of the ocean front for anything.

The federal clean air act of 1970 is being interpreted so as to require impact statements and government permission for anyone planning a commercial installation that so much as generates traffic which might possibly contribute to air pollution. Translate, two beach buggies parked outside Luigi's Pizza Palace for Saturday night. And in case you still think this affects only the fat cats, be advised at the beginning of state legislature they had been considering a bill in the sacred name of erosion control, which would require a government permit before anyone could break ground of any kind on a parcel of land over 15,000 square feet. That is a lot 150 by 100.

The bill says that all local governments in the state must, no later than July 1, 1974, require that any person, firm, corporation, partnership, company or business, and any officer, agent or employee thereof preparing to excavate, grade, remove or destroy natural topsoil or break ground of any kind shall first obtain a permit from the city or county or town in which the land is found.

Mr. Speaker, ladies and gentlemen, I hope you will vote against the order.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: We are somewhat afield from the two orders that we have. I listened attentively to the readings by the gentleman from Dixfield, Mr. Rollins. As some point I suspect, before I leave, I may even give a discourse on servicedom and how it is now being applied in Aroostook County and he may want to listen to that. I think I would recommend to the gentleman some of the readings that have taken place on some of the problems in South America in reference to the owning and ownership of land.

The issues we have before us are slightly different than that. You have two orders, one that has been indefinitely postponed or the motion is now pending, and the one which the gentleman is go-

ing to offer and that is basically what we have to work from.

The order that is now pending says that the Natural Resources Committee shall be assigned the responsibility of doing the work and the second, which has not yet been offered, indicates that the Legislative Research Committee would be authorized and directed to study the environmental laws.

Some basic views that I have are not unknown to many of you. I don't believe that the Legislative Research Committee as structured has the capability or the staff at the present to do the environmental study that is intended under this order. I do believe that if you are going to be studying environmental legislation, it ought to be studied by the committee that handles that legislation, and I agree with the gentleman from Standish, Mr. Simpson, on that point.

If this order is indefinitely postponed I would suggest, however, that the gentleman from Standish not offer his amendment, because that is worse than what he is now indefinitely postponing. If you take a look at it, it indicates that only one department apparently is going to be consulted in working out environmental legislation and reviewing the problems that now exist.

Nothing is mentioned about the Department of Agriculture and its problems dealing with the environment, the Department of Transportation and its problems, the Land Use Regulation Department and its problems, the Department of Inland Fisheries and Game and its problems dealing with the environment. And if we are simply going to have one department providing staff, I can well imagine what we are going to get, the exact thing that we don't want. It is like having the same group reviewing the material that they put out originally to see how objective they were in the first place, which isn't going to work.

So, at this point in time, I fully agree that perhaps the order that the gentleman from Caribou introduced is not the best thing in the world. But I suspect he is not going to get it enforced or enacted im-

mediately. It goes to the other body and just stays there until we finally decide in what direction we are going to be going on this or any other order, and whether or not we pass it here today does not mean that is the way it is going to be.

It would seem to me rather than create all this hassle, that we could just pass that one, let it sit on the table in the other body on the research table. Then when we finally reach a point where we know where we are going and these orders start going back and forth, and there are some 20 of them on that table, that we ought to then make the decision, to make the decision singularly on this one issue. Using the two orders we have in front of us seems to be a short-sighted approach as far as I am concerned.

I am sure the gentleman from Standish could probably well respond and say, well, let's pass my order and that will remain on the table over there, we could amend that. That is true enough. I don't disagree with that viewpoint, if that is the point we wish to make. But I don't see the harm at this point of passing the order that the gentleman from Caribou has.

Mr. Simpson of Standish was granted permission to speak a third time.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I find it kind of amusing after spending some time in the minority floor leader's office the other night discussing this and having him agree with me at that time, that the order should be changed to the point of the one I have before you.

I would like to correct one statement though. In the order, when I took it down to the Legislative Research office to be drafted, I had in it all other departments and agencies shall cooperate. I was advised at that time by the assistant director that happens to be in the law right now, that all agencies in the state on these orders shall participate in these studies at all times. Therefore, the only reason why the Department of Environmental Protection would be in there

is because it is that agency's laws which are actually being studied, and therefore they should be the one to be advised of it.

Mr. Speaker, after listening to the gentleman and after we discussed it the other night, I feel that probably we can do it, we can take the order that is presently before us. I withdraw my motion to indefinitely postpone, and we will work with it later when it comes back to us.

Thereupon, Mr. Simpson of Standish withdrew his motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker Members of the House: Very, very, briefly. Just one thing disturbs me in this order. Last summer we had a study committee to study the tax structure. The gentleman from Bath, Mr. Ross, was on it, and the gentleman from Portland, Mr. Cottrell. We were allowed \$10,000. We hired legal counsel; we had 14 meetings and believe me, they were meetings. They were tiresome meetings and hard. We worked hard; we came up with a book on it. I believe we did a good job, but we only had \$10,000. I can't picture asking \$50,000 for this one here, because if you give it to them, they are going to spend it. I find that throughout traveling around, and especially as has been mentioned, the silver-tongued orator, Mr. Briggs, I would call him the golden tongue, because he has always had plenty of money and he doesn't realize how hard it is for the rest of us to keep going. I therefore don't like the \$50,000. I am not going to make a motion, but I think the \$50,000 is too much on the order.

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

Mr. BRIGGS: Mr. Speaker and Members of the House: I will be very brief. I don't have plenty of money for my own needs. The other day the previous speaker had mentioned that he wished that I wouldn't talk when I didn't know what I was talking about. Now, here it is today, something that I

do know what I am talking about and evidently he doesn't want me to talk on that either. But the problem that I have with no one talking unless they know what they are talking about is that if we followed that rule we could have had this legislature wound up last January.

The SPEAKER: The Chair will order a vote. All in favor of the Order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

Sent up for concurrence.

The following matter was taken up out of order by unanimous consent:

Mrs. Baker from the Committee on Judiciary on Bill "An Act Providing for the Foreclosure of Real Property Mortgages" (H. P. 1526) (L. D. 1960) reporting "Ought to pass" as amended by Committee Amendment "A" (H-566)

The Report was read and accepted and the Bill read once. Committee Amendment "A" (H-566) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(Off Record Remarks)

On request of Mr. Birt of East Millinocket, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move 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.

On motion of Mr. Birt of East Millinocket,

Recessed until three-thirty in the afternoon.

After Recess**3:30 P.M.**

The House was called to order by the Speaker.

Mr. Garsoe of Cumberland presented the following Order and moved its passage:

ORDERED, that Sheryl Cordeiro, Ellen and Susan Bickmore of Cumberland Center be appointed Honorary Pages for today.

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

Supplement No. 2 was taken up out of order by unanimous consent.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bill, approved by a majority of the Committee on Reference of Bills, was received and referred to the following Committee:

Public Utilities

Bill "An Act Increasing Indebtedness of Berwick Sewer District" (H. P. 1616) (Emergency) (Presented by Mr. Stillings of Berwick) (Ordered Printed)

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Change the Lobster License to the Boats, Increase License Fees and to Limit the Number of Licenses" (H. P. 1221) (L. D. 1578) which was tabled earlier in the day and later today assigned.

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

The Chair laid before the House the following matter:

An Act to Allow Group Self-Insurance Under Maine's Workmen's Compensation Law (H. P. 1345) (L. D. 1779) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: As I said this morning, the amendment that the committee put

on did not fully meet all of the questions which the committee chairman had and which I had. I have another amendment here which we are going to put on. We are going to have to take the other one off first so I would move that we suspend the rules for the purpose of reconsideration.

Thereupon, on motion of Mr. Smith of Dover-Foxcroft, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules the House reconsidered its action whereby Committee Amendment "A" was adopted and the Amendment was indefinitely postponed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-572) was read by the Clerk.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I would ask the gentleman if he would maybe save us a day of tabling it and maybe explain it a little bit to save us the job of reading it.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: The major concern that I had with this piece of legislation was that the groups that could be formed under the law if this bill passed, we were very concerned that these groups would be financially sound, so that if an employee were hurt, the payments could be made out of the group fund.

The chairman of the Labor Committee, Mr. Brown and myself have been meeting with the Industrial Accident Commission and the Insurance Commissioner to make sure that there are enough teeth in this bill so that he can determine in advance if such a group, if it proposes, that it be allowed to provide workmen's

compensation under the law so that those two officers of the state have enough authority to make sure that those groups are financially sound. That is what Committee Amendment "A" was supposed to do. We looked it over and we didn't think that it was strong enough, that it didn't have enough in it. We called in these two officers and they suggested this new amendment and we have accepted it because they say that it gives them enough authority to make sure that these groups are financially sound. Thank you. I hope that is explanation enough. If it isn't, I will try and clarify anything else.

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Dover-Foxcroft has done an awful lot of work on this and I believe he has done an excellent job. We did have some concerns to be sure that these people who were in the lumbering business, wood cutting business, would be protected under workmen's comp., that the employees would be protected. We do have the blessings of the Chairman of the Industrial Accident Commission and also of the, I think it is the Insurance Department, I am not sure which department they call it now, but it is Frank Hogerty, and they are satisfied. They are also using as a guideline a New York State law and I hear that they have been in touch with the administrators of New York State. I would also call the attention of the House to the fact that this is a unanimous committee report. I hope you will go along with the bill and the amendment.

Thereupon, House Amendment "A" was adopted. The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

An Act to Establish a State Mortgage Assistance Program (H. P. 1586) (L. D. 2013) which was tabled earlier in the day and later

today assigned pending passage to be enacted.

The SPEAKER: The pending question is passage to be enacted.

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

The SPEAKER: The pending question is passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 89 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Providing Housing for Maine's Elderly" (H. P. 1609) (L. D. 2028) which was tabled earlier in the day 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 following matter:

Bill "An Act to Establish a State Housing Rehabilitation Program" (H. P. 1612) (L. D. 2029) which was tabled earlier in the day and later today assigned 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 following matter:

Bill "An Act Authorizing the State Housing Authority to Establish Capital Reserve Funds" (H. P. 1596) (L. D. 2022) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Stillings of Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-563) was read by the Clerk.

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

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: This bill L. D. 2022 is a very important bill to the State

Housing Authority because it solves a serious problem that now exists with the housing authority law. The problem essentially is that when we recently enacted the bill that allowed the Housing Authority to issue \$40 million in revenue bonds, it was discovered by bond counsel that the Authority could only create one housing revenue reserve fund. Since the reserve fund is now securing almost its limit, \$19 million in outstanding bonds, in order to amend the bond resolution, it would be necessary to notify all of the bond holders and obtain their approval. This is a long and expensive process, as I am sure you can all understand.

Consequently, this bill will allow the Authority to start another reserve fund called a capital reserve fund. The Housing Authority wanted the capital reserve fund so that it could use the reserve bond money for direct loans. The State Government Committee decided to delete this provision from the bill because it felt that the two reserve funds should be the same.

The previous legislature also had not granted the Housing Authority the right to issue direct loans. The amendment which I am offering simply corrects a drafting error and makes the two reserve funds substantially similar from a legal standpoint.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I would like to direct a question to the gentleman from Berwick.

The SPEAKER: The gentleman may pose his question.

Mr. SMITH: Is it the intent of this amendment to prohibit the use of direct loans on only the proceeds beyond the amount necessary in the capital reserve fund or is it intended to prohibit direct loans of the capital reserve fund monies itself?

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

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the

House: The intent of the amendment, and I think the intent of the State Government Committee, and I hope the intent of the legislature, is not to allow the Housing Authority to issue direct loans, except under those circumstances that is outlined in existing law.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I really wouldn't have much objection to this amendment if it does what it says and that is to prohibit direct loans only on proceeds beyond the amount necessary to function of the capital reserve fund. However, I think what we are coming down to is the real question of this debate and that is, should the Housing Authority be able to make direct loans with its bonding funds or not? Consequently, I intend to offer an amendment which will clearly say that the Housing Authority can do this. Therefore, I would urge you to defeat this amendment and then later to adopt mine. I really think both amendments could be accepted, but there might be some confusion.

In 1971 the 105th Legislature enacted Section 4601 A-1 L of the Maine Housing Authority statutes which allowed the Maine Housing Authority to make direct loans on houses and housing projects which were insured, guaranteed or assisted by the federal government. I think that clearly meant that the 105th Legislature intended to allow the State Housing Authority to step in and back up the private lending market in the same way that the federal government has in the past.

Since that time, however, the Housing Authority has attempted to borrow money in order to set up this direct loan program, but unfortunately, the Authority has not been able to issue bonds for this purpose because of the complications in Section 4761, and that is the section we are talking about now, which limits their bond program to a mortgage purchase program which requires participation by banks.

In other words, because of the legal language in the section of the law which had to do with the floating of the bonds to get the proceeds to make their loans, there was a technical roadblock to their actually carrying out the direct loan provisions the legislature had authorized them to do. This is quite important at this time.

I think you are all aware of the difficulty of the housing industry at the time in the light of the 18-month moratorium. We haven't seen the effect yet because the federal program allowed to continue everything that was in the pipeline and that will pretty much take us through this summer. There will be problems next summer if there isn't something to substitute for those programs. Beyond that, there is a real role here for the state to play to provide housing for people who don't quite have the income to get conventional loans in order to purchase houses. This is exactly what this provision would allow, or this language would allow the Housing Authority to do.

The amendment which I will offer to Section 4761 would activate the power which the Authority already has but has been unable to use because of the technical deficiency in the law.

It is unfortunate that we must raise this question that the 105th Legislature had settled, but I am afraid it is necessary to straighten out the language. The Housing Authority has already stated that it would prefer to have no direct loan power at all than to have one that doesn't work.

They have also indicated that they would be willing to go to court to attempt to clarify its rights under the present law if necessary, but it certainly would be much less expensive for the state if we here today adopted the language in my amendment in order to clarify the powers the authority supposedly has.

As it stands now, the law is hypocritical on the one hand, the authority can make direct loans and on the other hand disallowing it from doing so.

I hope we can get the hypocrisy out of this law now. I hope you

will defeat the amendment of the gentleman from Berwick, and then I will offer my amendment.

The SPEAKER: 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 amendment of the gentleman from Berwick. I think the intent of the legislature in the 105th is written well into the law. In other words, it is definitely put in there, the stipulation under which we felt the State Housing Authority should not get involved in mortgages and that is when they were guaranteed and only when they were guaranteed.

It is my intention or my feeling that there are no technical roadblocks to the legislature's intention to the law. It is very explicit, and we should keep it as such. Therefore, I am not interested in one, to take and expand the State Housing Authority such that they can get into direct loans to individuals without some criteria and everything else that goes with it.

We are going to start to set up another set of bureaucracies over there which I personally feel are not needed at this time. The housing authority was put there for the sake of picking up mortgages and assist the banks and putting some of the state money, bond issues, behind it. I think it ought to be left just as it is. I hope you will go along with the amendment.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sure the gentleman from Standish won't believe this, but I was not planning to get involved.

I do think, though, that I want to take the gentleman back a few years to when the Maine Housing Authority was created and when the people approved the bonding provisions of the Maine Housing Authority.

One of the purposes behind the creation of that authority was the belief or attempted belief that what we are trying to do is to build houses for people who could not afford to have them otherwise,

and we are setting up criteria and a system to assist them to get money to construct a house that "poor people" could actually use.

Now, we somehow have stretched afar from that assumption. As you all know, there was a study that was done by one of the individuals of the Eagleton Institute of Politics, of which I was a member, which we sort of pointed out to everyone that there was no such thing as low income housing per se, because you simply can't build houses for nothing; that if you need to have a house, it is going to cost you money to construct it properly; and if you don't construct it properly, then that house is not going to be usable.

Now, the gentleman from Standish says that if we adopt the amendment that is going to be offered or might be offered by Mr. Smith, that the guarantees will not be provided. This is not the case. The guarantee is there, and under existing law that we presently operate under, the Maine Housing Authority has guidelines that they must follow before the loans can be executed. Those same guidelines would have to be followed if the loans are made to individuals.

We basically get down to the point, I think, of whether or not we want to believe that this past legislature or a past legislature intended to make loans directly to individuals if there was no other way to get the money. I personally believe that the approach we are to take is to try to assist as many people as possible in getting adequate housing in this state; that if it is impossible to do it by large developers, then we must do it on a one to one ratio where individuals can go out and get a loan that they can get and derive benefits from. Now, if we don't do that, we are risking, in my opinion, the increase of mobile homes that are fast becoming the number one sales item of this state. Sometimes you ought to stand at the bridge at Kittery and watch all the mobile homes come across, and now they have started in another direction in my area, they are coming from Canada. In your own

communities you know that the only source, for the most part, that low income individuals can get a loan for, basically, is a trailer; that is, a house trailer.

Now, if we don't try to do something to reverse that trend, in 10 years this state is going to look like a box or a system of boxes in every community. The community of Houlton, for example, was just recently forced to change its regulations dealing with its restrictions on mobile homes. As I understand it, they are now going to have to let them in. Well, this basically is going on in all communities, and I think the issue is simple: We believe in mobile homes — and I do in certain instances — but if we believe that they ought to be the only available things that poor people or low income people or people whose incomes are under \$10,000 can afford to have, than we ought to make sure that we provide for no direct loans, and we ought to assist in that approach. In my opinion, if we believe that we ought to help people to have houses that they can live in at as low a possible rate as we can — they can afford to do it — it seems to me the logical approach that we have to assist them in that direction.

One final point, and that is the issue, what did the legislature intend in the 105th? Well, I know that the people that I have spoken to, both that were here and were active in the legislature and the people back home, they thought that this was going to provide it for them. Unfortunately, the bonding counsel thinks otherwise.

I don't know how many of you have had actions or have had opportunities to deal with bond counsel, but I have yet to find a bond counsel who has not been able to find something wrong with a period or comma. Whether it deals with a water district or sewer district, a hospital, whatever it might be, they want something changed.

I don't know how many bills we have put through with validating SAD's this session. Four years ago, I think we had 60 of them that came running through. Why, because bond counsel said there was something wrong, and that is

what bond counsel is saying now. I think the intent was very clear before. So I feel that if we want to move in a direction to help Maine people, we ought to accept the amendment that Mr. Smith is going to offer and defeat the amendment which is now pending, and Mr. Speaker, I would now move indefinite postponement of that amendment.

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Recently, there was an article in the Kennebec Journal written by Dan Simpson, a staff writer for the KJ. I would like to just read to you the beginning of it. It begins:

"Vietnam veterans, first sent to a war many didn't believe in, then back home to an unappreciative public and an economy with few jobs, are now having a difficulty using their GI bills to secure home mortgage loans.

"Approximately 95 per cent of these loans, which normally require no down payment, go through savings banks or savings and loan institutions. In the last few weeks, two of the four such organizations locally have stopped accepting VA mortgages altogether, and the other two are limiting the number they will accept.

"Banks blame the low interest rates the loans bring — 7 percent as opposed to 7 and $\frac{3}{4}$ percent for conventional loans — as the reason for turning down veterans."

Now, I know also in addition to the Kennebec Savings Bank and the Augusta Savings and Loan Association, which has stopped their VA loans, the Aroostook County Federal Savings and Loan Association stopped making VA and FHA mortgage loans two months ago and the Rockland Savings Bank has also just recently discontinued their VA and FHA programs. Accepting Mr. Smith's amendment would help these young veterans be able to get homes.

The SPEAKER: The pending question is on the motion of the

gentleman from Eagle Lake, Mr. Martin, to indefinitely postpone House Amendment "A". 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 Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I stand today to speak for my contemporaries. I speak on their need for decent housing, for lack of money and credit and for mortgages in this state is clear and well-documented. So, too, as the gentleman from York, Mr. Rolde, pointed out, is the unavailability of Veteran's Administration loans.

I don't need any documentation, and I don't have to read any newspapers, and I don't have to listen to any bond counsels in New York City to know that my contemporaries are unable to find decent housing in this state, because all I have to do is to go back to my hometown and look into the faces of my friends that weren't fortunate enough to go with me to college; look into the faces of my friends who had to go to war, and now they are back. They are back, and they have come back from turbulent years, and they have married and have had children and have jobs and they are trying to raise a family. Just like their fathers, some of whom might be sitting here now, they cling to their veteran's rights, and they turned to the Veteran's Administration, and they went to a bank. They said, "Give me a loan, give me a chance to build a house or buy a house so I can live in it

and raise my family." The banks say, "No."

I don't know about the Kennebec Savings Banks and I don't know about the Augusta Savings Banks, but I do know about the Bank Depositors Trust in my hometown of Lisbon Falls, and I know that they slammed the door in the faces of Vietnam veterans time and time again.

If the members of this House really want to help the veteran, and if all the marching and all the flags and all the speeches this afternoon out on the steps meant anything to us at all, then we will indefinitely postpone the amendment that has been presented before us, and we will give those veterans a chance to live in Maine, and give them a chance to have a decent home.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Concurring with those remarks, I point out to every member of the Aroostook County delegation, we are and we tend to be parochial and we ought to be. At the present time in Aroostook County, there isn't a single bank, not one, that will give a loan on a VA secured mortgage, not one at the present time. This applies to housing as well as trailers. You can't get them guaranteed. I know, I have tried to do it for some of the people in my legislative district, and the banks say very simply, "We can make more money loaning out \$200 for a washer, so why put this money and tie it up when we don't know what the money market is going to be like tomorrow?"

That is why we need this, not because we believe in socialism, communism or anything else, but because people have demands and they have needs, and that is why we try to make them realize that they have a place to go if they need something.

Are we suggesting to these people because they want to use what we claimed they could use when they came out — we sent them to war for a couple of years and said, "Come on back, we will help you.

You can borrow money on the VA." Oh, yeah, sure you can, but where are you going to get it?

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have just been looking over these two amendments. I think in deference to the banks, perhaps you ought to know, if you don't know now, that C. D.'s maturing after a period of two years, where they were issued with a 5 percent rate and now over 7¼ percent rate—the banks are paying money, paying higher interest on the money that they are receiving through C. D.'s and other areas.

Furthermore, any person seeking to build a house with a very risky credit rating, of course, is not going to get preferential treatment at any bank, because the banks are in a position of trust. They have your money and the money of other people in this state, and they are taking care of that in trust. They can't afford to go out and jeopardize the savings of the people of the State of Maine.

Now, if the legislature — the intent of the legislature was to assist people in low income brackets to obtain a home, then I think you are going to have to take another look at House Amendment "A," because it says, "Inserting in place thereof the following underlined words: to replace matured mortgage loans or notes or to purchase mortgage loans or notes." It doesn't say anything about direct lending.

Now how is a young veteran or any other young person on a low income, nothing in back of them, going to get a mortgage loan? If he goes to a bank he is not a good credit risk, but if the intent of the legislature is to make this possible, then I think the State Housing Authority has got to guarantee that if the bank will lend the money to build a home, the housing authority will purchase that mortgage or note when the home is completed.

Now if that is the philosophy of the legislature, then I don't see

how you can adopt House Amendment "A." I think your decision has got to be based on how you view this and what the intent of the legislature is.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: If I am not mistaken, the 105th Legislature passed a law stating that the Maine Housing Authority could make direct loans on individual homes if three banks — I guess it was within so many miles — refused to make such loans, providing they were guaranteed or assisted in some way by federal funds. So the set of facts that Mr. Martin had on the floor, I would like to pose a question through the chair to Mr. Martin. Is there any reason under the current law why the Maine Housing Authority could not make such loans and have them guaranteed by the Veterans Administration?

The SPEAKER: The gentleman from Augusta, Mr. Sproul, poses a question through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker and Members of the House: That is exactly the point. Bond counsel has said that they feel that the legislation adopted by the 105th is sort of doubtful as to what the real intent was. They are interpreting it to mean that is not the case. I agree with the gentleman from Augusta. I feel that was the intent. Unfortunately, that really is the argument here. The amendment that the gentleman from Berwick has in effect would remove that provision, would insure that there would be no loans in that area at all.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether there is anything in the legislative record of the 105th to indicate just what the legislative intent was, but I served on the State Govern-

ment Committee, heard the housing bill, and I am sure that I know what, in my opinion, legislative intent was, and it was that the state not get involved in direct loans, except in the circumstance outlined in the law. I would simply like to suggest that if there is any member of the State Government Committee from last session who feels differently than I, I would welcome his offering what he thinks the legislative intent was.

Secondly, we have another bill before us which authorizes the housing authority to buy up the VA loans, which supposedly, I believe we were told by representatives of the authority, will free up money in the banks so they can make more VA and FHA loans.

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

Mr. SMITH: Mr. Speaker and Members of the House: In response to the gentleman from Berwick, it is true that the housing authority can buy up VA loans that banks have. The problem is that because of the interest rates right now, the banks will not make any more VA loans. That is why the housing authority needs to go in and make a direct VA loan itself.

The gentleman from Standish commented that the housing authority should make only loans that were guaranteed and they needed criteria in order to make these loans.

The section of the law that the gentleman from Augusta, Mr. Sproul, referred to does exactly that. It sets up the criteria, it exists now on the books. He was basically correct that in order for the housing authority to make a direct loan, the applicant must have been refused by three banks within a hundred mile radius, and the loan must be guaranteed, insured or assisted by the federal government. There can be no losses on these loans. It is not going to cost the state anything.

The problem is not that the 105th did not give the power and duty to the housing authority to make direct loans, it did. The problem is in the section which writes the

language under which they can float their bonds to get the proceeds to make their loans. That is the part of the language that needs clarification. And if you want the housing authority to help people of lower income, they have got to make some direct loan, and we have got to clarify this language.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Albert, Berry, P. P.; Binnette, Boudreau, Brown, Bustin, Carrier, Carter, Chonko, Clark, Cromolly, Cooney, Cottrell, Crommett, Drigotas, Dunleavy, Evans, Farley, Faucher, Fraser, Genest, Goodwin, K.; Greenlaw, Hancock, Hobbins, Jalbert, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Morin, L.; Mulhern, Murray, Najarian, Norris, Rolde, Smith, D. M.; Smith, S.; Soulas, Strout, Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell.

NAY—Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Briggs, Bunker, Carey, Chick, Cote, Curtis, T. S., Jr.; Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Ferris, Finmore, Flynn, Garsoe, Hamblen, Haskell, Huber, Hunter, Immonen, Jackson, Kauffman, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahon, McNally, Merrill, Murchison, Palmer, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Susi, Trask, White, Willard, Wood, M. E.

ABSENT — Cameron, Churchill, Conley, Cressey, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Dudley, Fecteau, Gahagan, Gauthier, Good, Goodwin, H.; Henley, Herrick, Hoffses, Jacques, Kelleher, Kelley, Kelly, R. P.; Keyte, Knight, Lawry, Mills, Morin, V.; Morton, O'Brien, Parks, Peterson,

Pontbriand, Ricker, Santoro, Sheltna, Trumbull, Tyndale, Walker.

Yes, 53; No, 58; Absent, 39.

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

Thereupon, House Amendment "A" was adopted.

Mr. Smith of Exeter offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-568) was read by the Clerk.

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

Mr. SMITH. Mr. Speaker, Ladies and Gentlemen of the House: As I said before, I don't think this is contradictory, but this does make it clear that direct loans can be made, and in this case it would only be on the reserve account fund, because the previous amendment said any proceeds beyond that could not be used for direct loans.

I would urge you to adopt this amendment.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of the amendment offered by the gentleman from Exeter is, as he has already stated, to allow the use of any portion of the \$40 million which this legislature just authorized. The sale of revenue bonds to make direct loans, as I stated before, I am opposed to it.

The bill before us was presented to us by the housing authority to solve a serious problem, but that has already been discussed. The committee was unanimously agreed that a new capital reserve fund, if established, as it would be under this law, would not be used for making direct loans to individuals. It was, I must point out, a unanimous report of the committee.

I think it is very unwise for the housing authority to get into the business of making direct personal loans. First of all, the housing authority doesn't have the staff

or the expertise or the knowledge to make and administer the loans. And remember, this housing authority does business statewide. Imagine the kind of staff that would be required to go out and look these places over and determine whether or not they ought to make the loan.

Secondly, not even the MIBA or the MRA has the authority to make direct loans nor have they ever suggested they have that authority for obvious reasons.

Thirdly, under the housing authority law, the executive director of the authority would determine who would receive the loans, what area of the state would receive the loans, not even the bank president can do this with bank funds, and we are talking about public money here. Why should one individual have this authority with public funds?

This legislature I think has been very generous in allowing the housing authority to issue \$40 million more worth of bonds and to use this money for its established purposes. Before the housing authority starts new programs, it should concentrate on its present programs, make them work.

Mr. Speaker, I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Berwick, Mr. Stillings, moves the indefinite postponement of House Amendment "B."

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to belabor this, but let me say very quickly that there is no big start in divisions. We are not authorizing any more bonding limits. They are going to have to work with the bonding limits that they have now. All this amendment would do, it would allow them to take some of this bonding money and make direct loans in those places where the banks are not picking up VA loans or other guaranteed loans. There is going to be no big staff. There is going to be no risk, and there is going to be no cost to the state government.

I hope you would adopt this amendment.

The SPEAKER: The Chair would order a vote. The pending question is on the motion of the gentleman from Berwick, Mr. Stillings, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Thereupon, 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 Berwick, Mr. Stillings, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Briggs, Bunker, Carey, Chick, Cote, Cottrell, Curtis, T. S. Jr.; Drigotas, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Ferris, Finmore, Flynn, Gahagan, Garsoe, Hamblen, Haskell, Huber, Hunter, Immonen, Jackson, Kauffman, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Mahany, McCormick, MaMahon, McNally, Merrill, Murchison, Palmer, Perkins, Pratt, Rollins, Ross, Shaw, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Susi, Trask, White, Willard, Wood, M. E.

NAY — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Brown, Bustin, Carrier, Carter, Chonko, Clark, Connolly, Cooney, Crommett, Dunleavy, Evans, Farley, Faucher, Fraser, Genest, Goodwin, K.; Greenlaw, Hancock, Hobbins, Jalbert, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Martin, Maxwell, McHenry, McKernan, McTeague, Morin, L.; Mulkern, Murray, Norris, Rolde, Smith, D. M.; Smith, S.; Soulas,

Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell.

ABSENT — Cameron, Churchill, Conley, Cressey, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Dudley, Fecteau, Gauthier, Good, Goodwin, H.; Henley, Herrick, Hoffses, Jacques, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, Mills, Morin, V.; Morton, Najarian, O'Brien, Parks, Peterson, Pontbriand, Ricker, Santoro, Sheltra, Shute, Trumbull, Tyndale, Walker.

Yes, 60; No, 50; Absent, 40.

The SPEAKER: Sixty having voted in the affirmative and fifty having voted in the negative, with forty being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Making Capital Construction and Improvement Appropriations from the General Fund for the Fiscal Year Ending June 30, 1974" (S. P. 664) (L. D. 2020) which was tabled earlier in the day and later assigned pending the adoption of House Amendment "A."

Thereupon, Mr. Simpson requested a vote on the pending question.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I don't think there is anyone here who isn't concerned with the parking situation that we have.

In a survey conducted by Frank Grad & Son in 1969, estimated that 2,400 spaces would be needed the following year, and by 1980, 2,900 spaces would be needed. This increase of some 50 spaces per year, or roughly about 2,600 spaces should be available right now.

At the present time, we have available 1,435 spaces and this includes the 125 spaces reserved for the legislature's exclusive use.

Let us examine the situation. There are some 2,000 employees working in the immediate complex of the State House, the state office building, the education building

and the cultural center. However, the 1,435 spaces available for parking, according to the report from the Bureau of Public Improvements, includes all available parking lots such as the Employment Security lot, the Maine Teachers Association lot, the Blaine House area, the state-owned area on the site of the old bottling company on Wade Street and the Motor Vehicle lot, all of which are filled daily.

I know of state employees who are parking at the shopping center on Western Avenue because they cannot get a parking space in this area.

I have surveyed the departments for average visitation. They estimate there will be a minimum of 200,000 visitors to the Capitol complex in the coming year and this number is expected to increase steadily. To service these visitors, we have ten half-hour limited spaces and 27 one-hour limited spaces reserved. The other visitors, not finding a legal parking space, but having to conduct business with the state, will park illegally. The security patrol is issuing approximately 1,000 parking tickets per month. These people are not criminals, they are simply trying to conduct necessary business with the state.

These taxpayers and our out-of-state guests deserve treatment at least as good as the courtesy extended to us as Legislators. This garage will not be the full answer to the problem, but it will help to relieve the situation in the central area.

I move the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Chelsea, Mr. Shaw, moves the indefinite postponement of House Amendment "A." 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, Mr. Cooney of Sabattus 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 Sabattus, Mr Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't argue that parking isn't needed here, I really think it is, desperately needed. I am sure that the need for parking spaces will become more acute as the years go on. But I would ask you if we do not have some other problems facing the legislature that need that \$1,750,000 at least as much if not more than we need these extra parking spaces?

Now beyond that just not balancing parking versus other issues that need funding, ask yourself if there might not be some other creative way and less expensive way to provide at least as many parking spaces as this garage offers us?

Now, one other point: The Appropriations Committee is as fine a committee as this legislature has. I think they have done some good work this session in the budgets that they have presented to us, but this House, to the best of my knowledge, has not found one problem not one penny's worth of problems with any of the budgets they have presented to us. These budgets have almost gone under the hammer. I wonder if there is not some place somewhere in one of these budgets where this House or the other body cannot find some reason to differ and spend the money in a different way. I certainly feel that this is one way that we could make an improvement on the proposal offered to us by this committee.

So, I sincerely hope that you oppose the motion to indefinitely postpone. I know that I can go home to my constituents, be very happy to tell them I didn't support this \$1,750,000 project; that I would support other ways to solve the parking problem but not this way, not to build a big concrete building

to put cars in. There certainly are more creative ways to solve the parking problem and certainly less expensive ones. I sincerely hope that you will reconsider that last vote and not indefinitely postpone this amendment.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: My friend, Mr. Cooney, suggests that there are other creative ways that could be explored. I am going to suggest that the subcommittee that was charged with the responsibility of making a recommendation here have explored other alternatives. Among the alternatives they have examined is trying to determine if it would be feasible to make a private enterprise deal out of this, for somebody to operate a parking garage as a paid service; and they discovered that this was not feasible, because we didn't have enough use night hours and weekends and so forth to make it feasible.

The suggestion, if you will read your budget document carefully, is that the Bureau of Public Improvements be given authority and direction to charge a fee for parking in the parking garage which we know is not going to amortize the building but will make a substantial payment on it.

The committee examined alternatives very carefully and came up with this as the most reasonable approach to what, I believe, everybody recognizes is a pressing problem.

I would urge that you defeat the proposed amendment and vote for the indefinite postponement.

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

Mr. JALBERT: Mr. Speaker, and Members of the House: The other day the gentleman from Sabattus, Mr. Cooney, spoke on a measure concerning his committee, the State Department Committee; and after he got through speaking, I don't think that anything at all could have been added that would have covered the situation as well as he covered it. It was concerning

district attorneys. I felt very definitely that anything from then on that would be said — even though I was vitally interested in the problem, I know this situation very well — would have been anticlimax. I think the reason for that is because he had done his homework, very obviously. And when you do it and you do it well, it is pretty difficult to come up with the arguments which will bring defeat.

In this situation here, the Appropriations Committee delegated the authority to a subcommittee as the House chairman, the gentleman from Houlton, Mr. Haskell, has said, to look into this. They went at all the angles, back and forth. This thing eventually will pay for itself. I have been aware of the spaces needed here, but I am also aware of where the money comes from. It was only — and any member will attest to it — after I was assured that there was some financial relief coming from the expenditure concerning this situation that I agreed to go along with it. I think that the members would be remiss if they did not indefinitely postpone this amendment.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I would like to raise a question through the Chair to anybody who cares to answer. How many cars is this garage going to hold, and what kind of relief can we expect from this new parking garage?

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

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: This is designed to start off with 400 vehicles with room for expansion. That is the design.

I did serve on that subcommittee, and if I may, Mr. Speaker, I might say a couple of words.

We did quite a bit of research. We had people in from Boston and Chicago who had had experience all over the country. We had surveys from other state capitols and also from commercial parking lots, and it was only after determining all of these facts that there could be some revenue producing effort from this that would go toward paying for it and that it was not salable nights and weekends so that it was not feasible for private enterprise that we went along with this.

My seatmate here, Mr. O'Brien, keeps telling me that I am not known as a spendthrift. In fact, on any money bill, he comes dashing in, presses his button. He always checks over to see if mine is the opposite direction, so he knows he has voted correctly. I don't think that I have gone on record too many times suggesting spending money if I didn't think I could see some common sense to it. In this case, one of the big things that appeals to me in the capital improvement budget is that this is a one-shot proposition for needs that are there. They have been documented, they are in a priority list, and if we do not do it this time, they will be back time and time again. There is no question about this. Everyone says the money is here, I suggest this is the time to do it.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I wonder if I might pose a couple of questions to the gentleman from Augusta.

I don't think I followed through the reason why the subcommittee chose to go state payment rather than payment by private enterprise paying for the garage then charging the people who would be using it.

Secondly, basically, if it were private enterprise, then the City of Augusta could be charging taxes on that facility. I wonder if he would comment on those two questions.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, pos-

es two questions through the Chair to the gentleman from Augusta, Mr. Sproul, who may answer if he wishes.

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

Mr. SPROUL: Mr. Speaker and Members of the House: We did look over these things very carefully, and I can assure the gentleman from Eagle Lake, Mr. Martin, that recommending one without taxes and also the interest rates of private industry, there was no question that it could not possibly be feasible to repay this in view of the weekend and nights with no revenue. That could only be possible at all if you could get full-time use out of this, seven days and seven nights a week. We even had estimates of costs of state employees of twenty odd dollars a month. I think everyone concurred that that would never work. They wouldn't pay the price, and if they did, I am sure they would be in for pay increases to offset it. We wouldn't gain anything.

So we did look at these things, and it was only after considering the interest rate and the taxes that were some of the considerations why we thought it was more practical to pay for this now and have it over with.

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: If the figure of \$1.7 million, the total cost, is accurate, and if the garage will house 400 cars, then I would suggest that \$4,000 per car would be necessary for this initial capital improvement project.

Now, I just ran these figures a little further. I said that if the parking garage were filled with a car at a dollar a day — that would be \$400 per day — it would take 4,000 work days to reach the \$1.6 million mark of revenue. That is not counting any interest at all. Computed on a 52-week year at five days a week, that would take 16 years to raise the revenue that it took originally to make the initial investment. That is not counting any interest or anything else. I would project probably about 35 years paying for this garage.

The SPEAKER: The pending question is on the motion of the gentleman from Chelsea, Mr. Shaw, that House Amendment "A" to L. D. 2020 be indefinitely postponed. A roll call has been ordered. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA: Baker, Berry, P. P.; Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Bunker, Bustin, Carey, Carrier, Carter, Chick, Cote, Cottrell, Crommett, Curtis, T. S., Jr.; Evans, Farnham, Farrington, Finemore, Flynn, Garsoe, Genest, Hamblen, Hancock, Haskell, Huber, Hunter, Jackson, Jalbert, Kauffman, Kilroy, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Maxwell, McKernan, McNally, Merrill, Murchison, Najarian, Norris, O'Brien, Palmer, Perkins, Pratt, Rollins, Ross, Shaw, Silverman, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Theriault, Trask, Webber, Wheeler, White, Willard.

NAY: Ault, Berry, G.W.; Berube, Boudreau, Brown, Chonko, Clark, Connolly, Cooney, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Faucher, Ferris, Fraser, Gahagan, Gauthier, Goodwin, K.; Greenlaw, Hobbins, Immonen, Kelleher, LaCharite, LaPointe, Lewis, J.; Martin, McCormick, McHenry, McMahon, McTeague, Morin, L.; Mulhern, Murray, Rolde, Smith, D. M.; Smith, S.; Talbot, Tanguay, Tierney, Whitzell, Wood, M. E.

ABSENT: Albert, Cameron, Churchill, Conley, Cressey, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Dudley, Dunn, Fecteau, Good, Goodwin, H.; Henley, Herrick, Hoffses, Jacques, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, Littlefield, Mills, Morin, V.; Morton, Parks, Peterson, Pontbriand, Ricker, Santoro, Sheltra, Shute, Trumbull, Tyndale, Walker.

Yes, 68; No, 43; Absent, 39.

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

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

House Amendment "B" (H-571) was read by the Clerk.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: The intent of this amendment is simple. It deletes all funds that were allocated for the Bureau of Public Improvement.

I would like to make some remarks that I think are germane to the subject and I think with justification to the amendment. The statement of fact is David Silsby's, not mine. Mine originally said something about ineptitude in the department, and he didn't think that I should use it.

As I told you off the record yesterday, after some two years of negotiations, I had arranged to get a Stanley Steamer in the State Museum. As some of you have seen in the newspaper, it is there with difficulty.

Last May, when the museum said they would like to have the automobile, they said, "There is one thing we have to check, to make sure that it will go through the doors." They said, "The doors were 65 inches wide. Will you measure the vehicle?" and I did and told them it was 60 inches wide and 11 feet long. They said, "No problem, bring it over, it will fit." So, they said, "Give us 48-hours notice." So Monday I called the museum and said, "We are ready to bring the car in. Do you want it?" He said, "Sure we do, when can you bring it?" And I said, "Well, 48-hours notice will be Wednesday at one o'clock." He said, "Fine." I said, "We will be there."

So, Mr. Leighton and I loaded his vehicle on his trailer, and he brought it over with his own automobile and his own time, and delivered it at the museum at about 20 minutes past one.

The museum staff was all there with some maintenance men ready to help unload and so forth. And they came up to us and the first thing they said was, "The car will not go through the door. We forgot to measure the distance between the door handles." And so we said, "Fine, no great problem, we will

just remove one of the doors and be able to slip it through." Well, there are three sets of doors, large plateglass ones.

The museum director said, "Fine, I would like to be able to remove the doors, but though I am museum director, I have no jurisdiction over the building. It belongs to the Department of Public Improvement." He said, "I requested that they come over and remove the doors for us." He had himself and a number of museum people standing around waiting.

Well, Mr. Leighton and I said fine we will wait until they do that. And we waited a half hour and the superintendent of buildings came over with his assistant, and three men from the Bureau of Public Improvements. They looked the doors over, they commenced to measure the vehicle again. They said, "It won't go through the doors, but we certainly haven't got the authority to remove them, and we will have to ask the director of the department if we can do so." So the museum director asked if they would go back and please get that permission so that we could get on with the project. It was now two o'clock.

They called back 15 minutes later and told the museum director that the Director of the Bureau of Public Improvements would not be available to make a decision until three-thirty.

I told the museum director that I didn't think they were doing any great service to Mr. Leighton, who was still waiting with his vehicle, which he honestly thought he was doing the state and the people a great service by loaning it to them, and he also mentioned at one time, "Aren't I one of the fellows that are paying these fellows' salaries?" And they were still all standing around waiting for the door to come off.

Well, I told the museum director that I didn't think we should wait until three-thirty, and that I would like to speak to the Director of the Bureau of Public Improvements. He didn't know where he was, so I called his office. His secretary answered, and I asked if I could speak to him, and she told me to wait a minute, he was in

a meeting. She came back and said, "The director says he will not be available until he is done finishing the work that he is now doing."

His immediate superior also was not available. So I went to the next immediate superior who is the Governor, and he was in a leadership meeting. So I asked to talk to Allan Pease, and he was on the telephone and said he would call back, which eventually he did later. I went down this morning and thanked him for his interest, because I think he was interested.

During this time, the museum director asked Mr. Leighton if he would mind removing the fenders from the automobile so that they could get it through the doorway, and he said that he would prefer not to. I think he said, "I allow as how I would like not to do that," because he would have to take the body off the springs in order to get the fender mounts out from under the fenders.

So at approximately 3:15, the Director of the Bureau of Public Improvements showed up on the scene. He had a tape measure with him and he measured the car. He had the superintendent of buildings and his assistant with him again, and they came up to us and they said, "We are sorry, we cannot remove the doors because we do not have personnel in the department capable of doing so. I dare you to look in that book and see some of the people he has under him and their titles and their salaries.

Mr. Leighton asked if he might remove the doors, and he being 69 years old and having a number of years of experience in mechanics, they didn't think that he should touch them because it was public property.

I hadn't said anything to the Director of the Bureau of Public Improvements yet, and I don't think he knew in what capacity I was there either. I have never met him before. But then he went up to Mr. Leighton and he said, "Since we cannot remove the doors, would you mind, Mr. Leighton, removing the wheels and fenders from the automobile?" Mr. Leighton allowed again as how he

would rather not do that. And at this point, I must admit I used the name of the Lord in vain. And I asked Mr. Damm, "Do you want the car?" He is the museum director, and he said, "Yes, I do." I asked Mr. Bates if he would remove the doors and he said he couldn't do it. So I told Mr. Leighton, I said, "All right, let's get in the car and leave." We started, and then the director of the Bureau of Public Improvements said yes, he would remove the doors.

One man took one small screw driver, removed a set screw, took a pair of pliers and removed a pin, lifted the door out of its socket, and they had all three of them off in less than 10 minutes. We wheeled the car in and they had all the doors back on before we had the ropes around it. So, I think this is all germane to my amendment.

It is indicative to me of the utter disregard and disdainful arrogance with which some bureaucrats — the higher they are the more apparent it seems to be — the way some bureaucrats look toward the taxpayer.

Mr. Leighton was there for two and a half hours, I believe, doing nothing but waiting for a decision from one individual. And I am not saying he is the only individual in this state that does it, but I was appalled with the situation.

As we were leaving, I asked Mr. Leighton, "Don't you want a receipt or anything for your vehicle that you left in the museum?" He said, "No, you are my state legislator and I expect you will take care of it for me."

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I certainly sympathize with the frustrations of my good friend, Representative Ault, and if it weren't such a serious matter, I think I might be inclined to support the amendment. However, we are dealing here with the top priority item of the entire capital budget, which is fire prevention safety projects statewide, which is the very top priority item, the first item

in this section that this amendment applies to.

You look down further and you will see the parking garage which has just received support is included in this amendment. The state office building is included here and renovation of two buildings that are being used for office space are included, so I hope that you will not be carried away in a wave of sympathy by the plight of Representative Ault, but will, rather, vote to indefinitely postpone the amendment, which motion I make at this time.

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

Mr. EVANS: Mr. Speaker and Members of the House: I would like to pose a question to Representative Ault. Does he know whether those men were included in the raise that we passed here and the Governor has signed?

The SPEAKER: The gentleman from Freedom, Mr. Evans poses a question through the Chair to the gentleman from Wayne, Mr. Ault, who may answer if he wishes.

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

Mr. AULT: Mr. Speaker and Members of the House: At that point, Mr. Evans, I think the only reason the Director of Public Improvements listened to me was that he didn't realize that we had already sent the bill over to the Governor for signature.

Thereupon, Mr. Ault of Wayne withdrew House Amendment "B".

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

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

WHEREAS, a computerized summary of the status of legislation has been available this year for the use and convenience of State Government; and

WHEREAS, this service has been made available by the University of Maine at Orono through its Office of Institutional Research and the Computer Center; and

WHEREAS, a massive amount of work, over and above the call of duty, has been rendered by the

Director of said office, Paul Dunham and his staff in making this valuable tool available; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the House of Representatives and Senate of the 106th Legislature of the State of Maine appreciate the computerized service in summary form on the status of legislation and the spirit of cooperation by which it has been provided and therefore express our gratitude to Chancellor McNeil, President Libby, Director Dunham and the entire University community for their valued contribution and assistance in improving those tools available to government and in particular to the Legislature; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to Chancellor McNeil, President Libby and Director Dunham in token of the sentiments expressed herein. (H. P. 1618)

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

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

Mr. BIRT: Mr. Speaker and Members of the House: Very briefly on this, because I know there is going to be a followup speaker after this order is hopefully adopted, but I don't know as there has been any time that I have seen an order that has been more deserved, the amount of work that has been put into it, and I think I would also, at the same time, commend the gentleman from Orono, Mr. Curtis, for the tremendous amount of work that he has done in making sure that these computer printouts have been delivered over to the State House once a week. These have served a great deal of departments. Many of them who have used them have found them worthwhile assistance in the whole legislative program, and I would hope this order would receive passage.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I thank

the gentleman from East Millinocket, Mr. Birt. I also hope that this order receives passage.

If you will take a minute and bear with me, I think you will find my next comments will be useful to you. If you will take the item that was distributed on your desks today, I would like to briefly go over it so everyone knows what is included in it.

Actually there are two documents. One is a very thick, 50-page document. The other one is a one-page addendum. The one-page addendum brings the status of laws enacted by the Governor right up to date. This, I think, can be a very helpful tool to you either here or at your home.

The beginning of the table of contents, right after that appears a series of codes, the abbreviations that are used within the document. Without understanding them it will be very difficult to use it.

Then comes about 10 pages that are unnumbered, with lists of legislators which indicate the legislator numbers that have been assigned to this computer printout. It has been suggested that in the future we might use the seat numbers of the individual legislators, and I think that is something that perhaps we will adopt, but for the moment, each one of us has a code number.

There is also some information in there, and the first mistake that was pointed out to me and I would like to correct now, the gentleman from Jay, Mr. Maxwell, is listed as being a Democrat. Although those of us in the majority party would be happy to have him join us, I am sure he wouldn't want that done by a computer without his own consideration, so that is one mistake that should be corrected.

The beginning of page two of the numbered pages of the document are the L. D.'s which are incomplete, the bills that are still pending before us. On the left side are the L. D. numbers. Next to that is a short title description. Then further to the right appears a number which is the sponsor's number. Next is the first committee to which the bill was assigned and if it should happen to have

been reassigned to a second committee, the number of that second committee appears. Finally, the committee's recommendation and its ultimate result.

On page 14 appears all of the 625 laws which have now been finally enacted by the legislature and signed by the Governor and the two which have become law without his signature. You should add the addendum at that point, the one page list of laws that have been signed into law since Sunday.

At the beginning of page 29 is the section of those bills which are in the great depository of our wonderful ideas, the legislative files, and I suppose they should be considered dead.

Then on page 40 are the new drafts, page 44 those bills which have been referred to future legislatures, page 45 the leave to withdraw section.

Finally, the last page and the easiest one to tear off is a questionnaire which I hope you will fill out. Someone else sent me a note and the lady from Freeport indicates that she is still a democrat and not a republican. On the questionnaire, if you have any suggestions for improving this process, I would like to know about it. Also, if you think it would be useful to get a final printout of the status of what happened to all legislation within a week or two weeks after the adjournment, then we would like to know about that and any suggestions that you have for improving this.

Like I said, there are a few mistakes in this document. It is kind of a massive thing, but an awful lot of people put a great deal of work into producing it; in particular, Mr. Dunham at the University of Maine, but also Mrs. Margaret Miskavage in the Clerk's office and Phil Fairbanks, the great guy who runs the machinery in there and has been very patient. This morning some of it broke down, so we sent it all over in several truckloads to the Finance and Administration Department, where Mr. Sabeau and his personnel collated and stapled it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to stand and also congratulate the University of Maine and Paul Dunham and also the legislator from Orono for taking the time to do the job which he has done and provided us with this information. I am sure that as far as I am concerned, the list at the end of the session would be useful, and I am sure that all the

members would agree with that. We want to thank the University for having done the job.

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

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.