

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

HOUSE

Tuesday, January 15, 1974

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

Prayer by the Rev. Alton Maxell of Augusta.

The journal of yesterday was read and approved.

Orders Out of Order

Mrs. Lewis of Auburn presented the following Order and moved its passage:

ORDERED, that Parker Bartley of Auburn be appointed Honorary Page for today.

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

Mr. Whitzell of Gardiner presented the following Order and moved its passage:

ORDERED, that Martin Allen of Monmouth be appointed Honorary Page for today.

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

Papers from the Senate

From the Senate:

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 821) (L. D. 2337) Emergency.

Came from the Senate referred to the Committee on Judiciary.

In the House, was referred to the Committee on Judiciary in concurrence.

Reports of Committees

Ought Not to Pass

Committee on Judiciary on Bill "An Act Relating to Appeals by Defendants in Prosecutions before the District Court" (S. P. 750) (L. D. 2160) reporting "Ought not to pass"

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

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Moneys for Legislative Expenditures" (S. P. 730) (L. D. 2142) (Emergency) reporting "Ought to pass"

Report of same Committee reporting same pursuant to Joint Order (S. P. 816)

on Bill "An Act Making Appropriations for the Supplemental Security Income Program" (S. P. 823) (L. D. 2335) Emergency.

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

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

Ought to Pass with Senate Amendment Tabled and Assigned

Report of same Committee reporting same on Bill "An Act Providing Funds to Pine Tree Legal Assistance, Inc. for Continued Legal Representations for those Unable to Afford such Representation" (S. P. 754) (L. D. 2164) Emergency.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-313)

In the House, the Report was read.

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

Mr. CARRIER: Mr. Speaker, I move this matter be tabled one legislative day.

Thereupon, Mr. Ault of Wayne requested a vote on the motion.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that this matter be tabled pending acceptance in concurrence and tomorrow assigned. All in favor of this matter being tabled for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act to Establish Pay Scales for Managers and Assistant Managers in State Liquor Stores" (H. P. 1859)

(Presented by Mr. Stillings of Berwick).
(Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act to Abolish the Assigned Risk Plan and to Establish the Maine Motor Vehicle Reinsurance Facility" (H. P. 1860) (Presented by Mr. McTeague of Brunswick)
(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act Revising Certain Laws Relating to Indians" (H. P. 1861) (Presented by Mr. Mills of Eastport)
(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act Relating to Fees Administered by the Department of Environmental Protection" (H. P. 1862) (Presented by Mr. Briggs of Caribou)
(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act Increasing Indebtedness of the Jackman Water District" (H. P. 1863) Emergency (Presented by Mr. Faucher of Solon)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Transfer the Coastal Planning Unit of the State Planning Office to the Department of Environmental Protection" (H. P. 1864) (Presented by Mr. Bustin of Augusta)

Bill "An Act Relating to Certain Bureaus in the Department of Finance and Administration" (H. P. 1865) (Presented by Mr. Faucher of Solon)
(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Amend the Motor Vehicle Laws" (H. P. 1866) (Presented by Mrs. Berry of Madison)
(Ordered Printed)
Sent up for concurrence.

House Reports of Committees Divided Report Tabled and Assigned

Report "A" of the Committee on Election Laws on Bill "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions." (H. P. 1781) (L. D. 2253) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. SHUTE of Franklin
CIANCHETTE of Somerset
JOLY of Kennebec

— of the Senate.

Messrs. ROSS of Bath
DUDLEY of West Enfield
BINNETTE of Old Town
WILLARD of Bethel
HOFFSES of Camden

— of the House.

Report "B" of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-630).

Report was signed by the following members:

Mrs. SNOWE of Auburn
BOUDREAU of Portland
KELLEY of Machias

Mr. KAUFFMAN of Kittery

— of the House.

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

Report was signed by the following members:

Messrs. HANCOCK of Casco
TALBOT of Portland

— of the House.

Reports were read.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Although some of us are ready to debate this bill today, and it might be expedient to do it, nevertheless, it is not that complicated and I don't believe it will take up much time. One of the members of the committee has an amendment they are still studying with the Attorney General, and I would request that somebody table this for just one legislative day.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Transportation on Bill "An Act Requiring a Lighted Headlamp on Motorcycles Using the Highway" (H. P. 1721) (L. D. 2114) reporting "Ought not to pass"

Report was signed by the following members:

Mr. CIANCHETTE of Somerset
— of the Senate.

Messrs. KEYTE of Dexter
WEBBER of Belfast
WOOD of Brooks
STROUT of Corinth
JACQUES of Lewiston

Mrs. McCORMICK of Union
BERRY of Madison
— of the House.

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

Report was signed by the following members:

Messrs. GREELEY of Waldo
SHUTE of Franklin
— of the Senate.

Messrs. McNALLY of Ellsworth
DUNN of Poland
FRASER of Mexico
— of the House.

Reports were read.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: The sponsor of this bill is not in his seat this morning, and I would that this could be tabled for one legislative day.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending acceptance of either Report and later today assigned.

Consent Calendar

First Day

(H. P. 1698) (L. D. 2091) Emergency Bill "An Act Relating to Place of Examination under Unfair Trade Practices Act" — Committee on Judiciary reporting "Ought to pass"

(H. P. 1750) (L. D. 2209) Bill "An Act to Amend the Law Relating to Attempted Escapes from the Maine State Prison" — Committee on Judiciary reporting "Ought to pass"

(S. P. 761) (L. D. 2192) Resolve Designating State Route No. 157 and State Route No. 201 in Maine as a Blue Star Memorial Highway — Committee on Transportation reporting "Ought to pass"

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

Consent Calendar

Second Day

(S. P. 714) (L. D. 2126) Resolve Authorizing Attorney General to Convey State's Interest in Certain Land in Bangor

(H. P. 1797) (L. D. 2277) Emergency — Bill "An Act Relating to Property Tax Appeals"

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

Passed to Be Engrossed

Bill "An Act Appropriating Funds to Carry out Duties of the Director of Legislative Research" (S. P. 728) (L. D. 2140) Emergency.

Resolve Providing Funds for Cerebral Palsy Centers (S. P. 706) (L. D. 2118)

Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Land in the Unorganized Territory (H. P. 1717) (L. D. 2110)

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

Second Reader

Tabled and Assigned

Bill "An Act Increasing Salaries of Various County Officers" (H. P. 1732) (L. D. 2176)

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

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

Mr. WHITZELL: Mr. Speaker, could we have the Committee Report read on this, please?

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes

the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: I am not sure whether the rules of committees have changed, but the last executive session of that committee that I attended, this bill, the one that is going to raise the salaries of all county officials across the state by 5 percent, at that meeting it was said that that bill particularly was — first of all, we were going to meet with our delegations, poll the delegations and have the delegations report back to the County Government Committee before we reported it out of committee, and all of a sudden it appeared on the calendar yesterday. It was the first time I had seen it. I had already asked the gentleman from Chelsea, Mr. Shaw, to call a meeting of the Kennebec County delegation to find out where we stood on the bill. If I had had an opportunity in the executive session of the County Government Committee, I would have signed a minority report, or at least offered an amendment to that report.

I am not opposed to the salary increases as presented by the bill, but I am opposed to that one sentence at the end which refers to a retroactive date of January 1, 1974. Under Article IV, Section 7, of the Constitution of the State of Maine, elected officers in the House of Representatives and Senate, while they do vote on their raises, do not take the raise during their term of office. I think that the same should be true of anybody holding any public office. It is true of municipalities; it is true on the state level; it is true on the federal level. I am asking that we consider, and I will offer in a moment an amendment which I had prepared which would do that also for county government.

At this time, I would like to offer House Amendment "A" to House Paper 1732, L. D. 2176.

Thereupon, House Amendment "A" (H-634) was read by the Clerk.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: It is unfortunate, indeed, inadvertently or otherwise, that Representative Whitzell

did not, in his opinion, have the opportunity to express his opinion on this matter. I attended the hearing from start to finish, attended the executive sessions from start to finish. I am sure the committee clerk, herself, endeavored to inquire of Representative Whitzell of his opinion. Those who were there at the executive session certainly had no objection.

I suppose it is true that if one member of the committee was not contacted to find out his views, why he has a perfect right to express his opinions on the floor of the House.

It is also true that both the Senate chairman and myself had no intention of avoiding anybody on the committee in regard to their sanction of any bill.

As far as the amendment goes regarding the retroactive pay, if you had passed, without making the bill retroactive last session, it would have been effective January of 1974. So I cannot for the life of me see anything retroactive about this bill, when it would be effective in 1974 as it would have usually under the general rules of thumb in past years.

So far as the need for increase in salaries go, I think it is almost imperative that we realize that the cost of living is such that people in public service need these increases in wages to keep up with the times. I hope the House does not accept this amendment.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I thank my good friend from China, Representative Farrington, for his explanation. But I would say to you, ladies and gentlemen, I am in complete accord with the remarks made by Representative Whitzell.

We who oppose the retroactive clause do not oppose an increase in salary at the proper time. I am sure that you are well aware of my sentiments. I am sorry that I do not have the words at my command to express myself adequately to those who try to evade the law as written in the statute.

I am not going to talk much longer on this. I have told you that I believe it to be morally wrong. This was defeated in the

regular session, and there is no reason why it shouldn't be defeated at this time. I will support the amendment as presented by Representative Whitzell.

Mr. Speaker, when the vote is taken, I would ask for the yeas and nays.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett, requests the yeas and nays.

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

Mr. CHURCHILL: Mr. Speaker and Members of the House: In the last regular session, if I remember correctly, we passed a bill that gave their pay, the county officers, all the statutory officers, effective July 1 and at that time we had a wage stabilization ruling that we could not increase the county officers salaries only 5.5 percent. At that time, and since then, I have talked with the county commissioners in various counties, and they state that they have added 11 percent for the employees' increase in pay, 5.5 for each year. This was their interpretation of the ruling. But at that time, we restricted them to a 5.5 percent increase. At this time, this bill, my bill, I submitted it, and at the time of the hearing, and everyone agreed with it, and at the time of the executive session there was no opposition, so it came out unanimous, as Representative Farrington has stated. This is only to rectify the amount of money which they have included in their budgets.

The cost of living, it has been stated, has increased over 8 percent in the past year. This 5.5 won't even keep them up to date. So I urge you to vote to rescind this amendment which Representative Whitzell has presented, because I feel that the county officers throughout the state are very low in their pay for what they do.

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

Mr. MILLS: Mr. Spaaker, Ladies and Gentlemen of the House: I would like to pose a question to either Mr. Farrington or Mr. Churchill. In Washington County we had one person, through typographical error or what have you, who did receive their increase on the 5.5 percent. The way the bill is drafted now on a retroactive basis, would it take care of those people who didn't get their 5.5 percent increase on schedule?

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to the gentleman from China, Mr. Farrington.

The Chair recognizes that gentleman.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, supposedly all of those constitutional officers throughout the state, with the exception of one county, and that county had an additional amount beyond the 5.5, all county officials did receive 5.5. I think the particular officer in question, the person asked for much more than 5.5, but I am sure they did receive the 5.5. They were disgruntled because they didn't receive what they asked for.

While I am on my feet, I would like to restate the fact that in past years we have authorized county pay raises to be effective the second year of the biennium. As far as I am concerned, there is no retroactive pay here. We are just doing what we normally have done for years.

There was, however, a retroactive pay included in the regular session, retroactive not back to January 1, but back to July 31 or July 1, I don't recall. But we did not go back all the way, we just went back to July.

I really don't see where there is anything retroactive about this particular bill.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to clarify some statements made on the floor of the House here today regarding the statutory requirements of retroactive pay.

The first legislation on retroactive pay for county employees was passed in the 102nd Legislature. Before that there was nothing in the state statutes regarding retroactive pay for county employees.

In the regular session I sponsored legislation setting retroactive pay back to January 1 of 1973. What Representative Farrington told you this morning, he did pass out a bill which we voted on and became statutory law, making the pay bill last session retroactive to July 1. So actually there is a precedent for this. This morning I certainly hope that you vote against the amendment before you.

It would suggest that your counties do not go along with this bill, that you pass in your individual amendments to clarify your own county if you have problems. But I think it is detrimental for any individual to tie up 16 counties to take care of a personal whim.

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

Mr. CROMMETT: Mr. Speaker, I would pose a question to my good friend Representative Farrington. I understood him to say that it did go back to July 1. I would like to know exactly and as briefly as you can tell me why it would go back to July 1st when the statute expressly states that there is no rate increase for one year after taking office, which is January 1st. If this is so, I would say that something is radically wrong. I don't believe we have the right to do this. Now I would like Mr. Farrington to tell me why and how it happened.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett, poses a question through the Chair to the gentleman from China, Mr. Farrington, who may answer if he wishes. The Chair recognizes that gentleman.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: To the gentleman, Mr. Crommett, I hesitate to go through a long dissertation to explain this. But if you recall, last year we were caught with the federal government under the pay guideline schedule. There were many requests for much over 5.5, some as high as 20 percent increases. We felt very strongly that because of the cost of living there should have been granted more increases than we could allow in some cases. However, we were held to the 5.5, and probably one of the reasons for wanting to make the pay retroactive to July, or at least to have the pay increase come in 1973, was because you can only have 5.5 in any one year. By making that retroactive, which was the only way this provision prevailed — they would hold us to 5.5 — that we could offer another raise to those who should have raises in 1974.

The House, Representative Crommett, voted by amendment to make the payment retroactive to July 1st. That should answer one of your questions.

The other reason, and I think I have explained, I hope the House is aware of the fact that we are only trying to justify raises, justify them by looking very seriously at the cost of living, and we felt as though that if their pay was proper and right four years ago or two years ago, because of this cost of living, each one should be due at least some increase in pay.

Mr. Crommett of Millinocket was granted permission to speak a third time.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: Frankly, I do not like the explanation given by Mr. Farrington. Talking about a five and a half per cent increase on the cost of living, of course, that's true. I don't dispute that. When I go to the grocery store or when I am buying oil, they have a price on it and I pay it or I go without. I'm not talking about the 5.5 per cent increase for the cost of living.

What I am trying to get across is the law as it is written in the statute. It is a fact that the Legislature, and you can read the statute, what it says. And if they went back retroactive to July 1st, according to the statutes, then I believe it is morally wrong. I don't believe they had any right to do it, regardless of the cost of living.

I know that the hour is late. With your permission, Mr. Speaker, I will continue to speak here for a while. I didn't want to do this. In fact, I don't think I will too long. But really this is something that should be settled in accordance with the statute. Read that and abide by it. Furthermore, Mr. Speaker, I will withdraw my motion for a roll call if I may.

The SPEAKER: The gentleman from Millinocket withdraws his request for a roll call.

The pending motion is the motion of the gentleman from Gardiner, Mr. Whitzell, that the House adopt House Amendment A. The Chair will order a vote. All in favor of the House adopting House Amendment A will vote yes; all opposed will vote no.

A vote of the House was taken.

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

Mr. WHITZELL: Mr. Speaker, I would ask for a roll call.

The SPEAKER: The gentleman from Gardiner asks for a roll call. For the Chair to order a roll call it must be the express desire of one fifth of the members present. All 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 is in order.

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

Mr. WHITZELL: Mr. Speaker, Members of the House: The idea of retroactive pay is what I am against, not granting a pay raise. What I felt was a fair measure was to grant the pay raise at the end of the terms they are serving.

Now I know that the last time I spoke on this bill that we soundly defeated the retroactive aspect of giving pay raises to county employees. County employees are not like State employees. They are elected. They know the salary of that office when they run. If we are to exercise the same responsibility to county employees that we exercise in treating our own salaries, then by gosh what we should do today then, and you are indicating by your vote, is that if the legislature were not expressly forbidden by the Constitution, then you would support a pay raise for yourselves.

Now municipal government does not raise the salary of municipal officers during their term. State legislators do not raise their salaries during their term. Yet, it would not be unusual for the county official to be elected in November, seated in January, and be up before the legislature that same January asking for a pay raise.

Now I am not against pay raise. This bill with the amendment is acceptable, because the person who is in office will have served one term and will certainly be more valuable as a public servant. He is elected. He is a political person who is elected. I am not against either party; I care not which office a person holds. But if the office is elective, there is no civil service involved. They are not hired because of their qualifications. In fact, the whole system of county pay, for in-

stance, in some counties we pay as much as \$6,000, almost \$6,000 in Cumberland County for a County Commissioner. I wonder if people were aware that the \$6,000 that County Commissioner earns in Cumberland County, as opposed to an \$1,800 or \$1,200 salary for a County Commissioner in another county are really equitable, because the two have the same function. They are elected. They run the affairs of the County.

The County Commissioner serving on the \$6,000 salary usually has a staff and secretaries that do most of his administrative detail work for him. The person who is elected at \$1,200 a year has no staff. And usually the whole ratio is in reverse. The person who does the most work — for instance, just take this one category, the County Commissioners — the one who would do the more work is the one being paid \$1,200.

Now we know that the office of County Commissioner in my county alone amounts to a total salary in a six year term of \$21,000. Now, he has to only run once. The County Commissioner in, I am not sure if it's Washington County, I don't have the bill before me, but in one of the smaller counties in the six year term they only make \$7,000. Yet, he may put in actual number of hours, time spent on the job, four times, ten times as many hours as the man who is well paid. In Kennebec County, and I can speak for Kennebec County, the County Commissioners are in session twice a month for three hours on each one of those days. Now that amounts to six hours for a 72 hours a year, and roughly \$3,500. Now that adds up to \$50 an hour. I don't consider that bad pay.

The clerk of courts, the registrar of deeds, and some of these people who work forty hours a week, I have been told they work thirty-two hours a week and thirty hours a week and other times—I have people from this county, Democrats from this county saying, "I hope you don't oppose the pay raise this time." It is not the pay raise that I am opposed to, I told them; it is the stipulation they get the pay raise while you are serving a term in office. I would no more vote for an increase in our salaries here collectively than I would for this bill under any circumstances if it means that it

is going to be retroactive while they are serving this term.

I think the amendment is a fair amendment. I think anybody serving public office knows the salary and is ready to make the sacrifice when they run for that office. They are much more competent the next time around.

I know that the cost of living is going up; it affects me, too. And as a teacher, my salary did not get a 5 percent increment this year. We didn't get a cost of living increase and many teachers' groups didn't. So it is not unusual that a group of people, whether it be a laborer, shoe shop workers, textile workers or any other of the labor groups that didn't get a five percent increase, many of us have to suffer the same consequences.

I can't come here and plead for county people, and I don't mean to plead that they are poor and that their cost of living is any different than ours. But I think if we ask ourselves what kind of a cost of living raise did we get and the people we know and our constituents get this last year, then we wouldn't make this bill retroactive.

I am in favor of the salary increases, and it is not out of generosity; it is out of fairness. I am in favor of the bill with the amendment, that it is not retroactive but that they get the raise the second time around, their next term.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: As the sponsor of last year's county salary bill, I feel that it was the intent at that time to grant the county officers a higher increase than they received. Due to the 5.5 limitation this could not be done. There were a few exceptions made, and there might have been one or two people who were also discriminated against in that bill — Cumberland County, possibly the only county.

But at this time I have to speak against this amendment. And I hate to speak against my good friend from Gardiner, Mr. Whitzell, but I have to support this county salaries bill.

I don't think the question here is the inequity of county officer's salaries between counties. But the question is that they deserve a pay increase. The

cost of living has gone up. We intended to give them an increase last year; let's give it to them now.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I would concur with the gentleman from Brunswick, and would ask you to vote against the amendment. That was the reasoning last year. If the federal guidelines had not been in effect, the raises that were granted to the county officials in the second year of the biennium, that is in this year, would have indeed been a lot larger than they were. So I hope that the amendment is defeated.

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

Mr. CHURCHILL: Mr. Speaker and Members of the House: One of the other things that makes, as we say, an inequity in the county employees' salaries right now is that the non-elective officers and the employees within the county buildings have already received, nine chances out of ten in all of the counties, their 5.5 percent increase. They are receiving more pay than some of the elected officials right at this time. This is one of the things, in order to keep them on an equal basis or a little above the non-elected officers, they should receive this and receive it retroactive same as the other ones have already done, the definition and so forth, starting January 1.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Gardiner, Mr. Whitzell, that House Amendment "A" (H-634) be adopted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berube, Binnette, Carey, Conley, Connolly, Cooney, Crommett, Dow, Dudley, Dunleavy, Dunn, Gahagan, Goodwin, H.; Immonen, Jackson, Keyte, Kilroy, LaPointe, Lawry, Lewis, J.; McHenry, McKernan, Morin, L.; Murray, Pratt, Shaw, Smith, S.; Whitzell.

NAY — Albert, Berry, G. W.; Berry, P. P.; Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin,

Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Drigotas, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Fecteau, Finemore, Flynn, Fraser, Garsoe, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Herrick, Hobbins, Hoffses, Huber, Hunter, Jacques, Jalbert, Kaufman, Kelleher, Kelley, Kelley, R. P.; LaCharite, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McMahon, McNally, McTeague, Merrill, Mills, Morin, V.; Morton, Mulkern, Murchison, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Pontbriand, Ricker, Rolde, Rollins, Ross, Shute, Silverman, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Theriault, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, Willard, Wood, M. E.

ABSENT — Briggs, Dam, Donaghy, Faucher, Ferris, Gauthier, Knight, Peterson, Santoro, Sheltra, Smith, D. M.; Tanguay, Tierney, White.

Yes, 30; No, 106; Absent, 14.

The SPEAKER: Thirty having voted in the affirmative and one hundred six in the negative, with fourteen being absent, the motion does not prevail.

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

Mr. SIMPSON: Mr. Speaker, I now move this item be tabled for one legislative day.

(Cries of "Yes" and "No")

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that Bill "An Act increasing Salaries of Various County Officers," House Paper 1732, L. D. 2176, be tabled pending passage to be engrossed and specially assigned for Wednesday, January 16. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 62 having voted in the negative, the motion did prevail.

**Second Reader
Tabled and Assigned**

Bill "An Act to Apportion the House of

Representatives" (H. P. 1844) (L. D. 2351) Emergency.

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

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

Orders of the Day

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

Bill "An Act Relative to Number of Directors of Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties" (H. P. 1735) (L. D. 2181) Emergency.

Tabled — January 11, by Mr. Martin of Eagle Lake.

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 Requiring a Lighted Headlamp on Motorcycles Using the Highway" (H. P. 1721) (L. D. 2114) which was tabled earlier in the day and later today assigned pending acceptance of either Report.

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

Mr. BUSTIN: Mr. Speaker, I move acceptance of the "Ought to pass" Report and would like to speak to my motion.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves acceptance of the Minority "Ought to pass" Report.

The Chair recognizes that gentleman.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Before I begin, I would like to thank the gentleman from Dixfield, Mr. Rollins, and the gentleman from Eagle Lake, Mr. Martin for putting this aside until later in today's session.

A lot of the legislation or proposed legislation that we deal with comes here promoted by special interest groups or one political party or another. This particular bill is the result of a personal experience, in fact, a particularly gruesome one that I had this summer. I would like to tell you about it.

I came off Interstate 95 and started to

turn out by the Civic Center onto Mount Vernon Avenue. It was a summer day, and my windows were down. If they had not been down, I am sure I would have been involved in this particular accident. Because the windows were down, I heard but did not see a motorcycle. I started out onto to Mount Vernon Avenue and stopped short and the motorcycle went by me. I then turned left, and at the time I was turning I heard a particularly sickening crash, and I knew exactly what had happened.

I proceeded down to Mount Vernon Avenue where Community Drive enters — that is where the great big Augusta Civic Center sign is now, and there on the side of the road was a young man, a very crashed up motorcycle, and an automobile had turned into Community Drive. The man who was driving the automobile was running toward the young man, and I said I would proceed and get an ambulance, which I did.

The right arm of the man on the motorcycle was completely severed and was later found about 60 feet from the accident, and his body, he was alive at that time, was something the likes of which I had never seen. Two hours later the young man was dead at the Augusta General Hospital. I had the opportunity to talk with the driver of the automobile, and he told me, he said "I still don't know where he came from. I never saw him."

The incident shook me up considerably, and during the summer I began to notice motorcycles on the highways. It occurred to me that I could not see motorcycles coming at me, particularly if they were coming out of a dark background. If it were not a particularly sunny day or if the background was green trees, they are very difficult to see, because they are no bigger than the width of your thumb at a very close distance.

I also noticed that many motorcyclist operated in the daytime with their headlights on. I later discovered that some states require this as a safety measure. So it occurred to me that it might be a good thing and it might save some lives if motorcycles were required to have their headlamps on at all times when they were operating for a safety measure.

So I would hope this morning that the House would move this bill along and accept the minority report.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: If the gentleman from Augusta, Mr. Bustin, had not entered this bill, I would have. I have not had the experience that he has had and I am glad that I haven't, but I do think that this measure would save lives, very simply, both Republican and Democrat.

I don't see any objection to having a headlight on. On the way from here to Aroostook County there is a sign beside the road saying that automobiles, all vehicles, shall turn on their headlights. They don't say "please," they say you shall. If it can be done up there, it must be a safety measure, and I certainly hope that you vote for this bill at this time.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I feel about the same way, because I do know that after you leave Medway, not Medway — it bothers me now — but when you hit the road that Mr. Rollins has mentioned where you have the lights on, it makes a lot of difference, especially if you are meeting cars with lights on. It makes all the difference in the world.

You take a day like last Friday. We traveled up there last Friday, and once in a while Mr. Parks who was driving, the gentleman from Presque Isle, and he is an excellent driver, and only for that reason I rode home with him. I don't believe I would have rode home with Mr. Good, for the same reason.

But anyway, I do believe that a dark day, as the gentleman from Augusta, Mr. Bustin, has said, I think it is almost impossible to detect a motorcycle, especially if there are two or three coming abreast. When they approach you there are two or three abreast, which they do on our wide roads from Bridgewater to Presque Isle. It still bothers on a road as wide as that and as good as that.

I do say right here, I hope you will go along with the motion to accept the minority report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to speak in favor of this measure. I think it is an important safety measure. I am sure that it does increase the visibility of a motorcycle. A person might say, "Well, as people become experienced enough operating motorcycles they will soon learn to have their headlights on anyway, realizing that automobile drivers can't see them unless their lights are on." But right now, the use of motorcycles is expanding very rapidly in the state and I am afraid that more people will be killed while these people are getting wise to the fact that their lights should be on. I think it does warrant making this regulation and making it mandatory.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentleman of the House: When I drive on a dark or rainy day and I see people coming with their parking lights on and not their headlights, I just wonder why they ever do this. Evidently they think they save on their battery or something.

But we have on our books right now a law that says that under certain conditions in the daytime when it is dark or rainy you must have your headlights on low beam. I don't believe people realize this. This is the same type of thing and so I also favor this bill.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: I have very mixed emotions about this bill. I don't really like it. I don't like the fact that the law is requiring me as a motorcyclist to have my headlight on during the day. However, I do realize it could be a safety factor.

I think the thing I don't like about it is the discrimination between motorcyclist and automobiles, and I feel that if we are going to pass a law such as this requiring motorcycles to have their headlights on during the day, I would also like to see an

amendment to this that would require automobiles at the same time. There are many automobiles that you can't see, depending on their color, a green car coming from a green background or something of this nature.

I don't feel that this law — as a motorcyclist, I have had several experiences, close calls, and I have had one accident. I have had very close calls with my headlights on, and very close calls without them on during the day.

I would go along with this with an amendment that would require automobiles at the same time to have their headlights on during the day. So I would perhaps request somebody to table this for one day so I could prepare an amendment for that.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the previous speaker's position is very poorly taken. I am sure that his motivation is excellent. In fact, we have, for instance, a law now that requires motorcycle drivers to wear a helmet, and people who ride in automobiles aren't required to wear a helmet.

I think that the law as is in the books in this matter is entirely proper, inasmuch as a person in an automobile has considerable protection that a motorcyclist doesn't have. I think it is entirely proper that we should pass this as it is now.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: I would just like to give a few of the views as to findings of this committee.

I signed the "ought not to pass" report after sitting there listening to both sides. I understand Mr. Bustin's side of it, but I also feel that we put just too many laws on the books.

I think that this same problem could be solved with safety messages, the same as you see on TV to hook your seatbelts when you drive and such other phrases.

We passed, in the regular session, a motorcycle education course which takes effect, I believe in 1975. From that time on, in order to get a motorcycle

license you have to take a driver ed course.

There are many many motorcyclists who already drive with their lights on; this is fine. Under certain conditions it's great. In the bright sun you can't see that light on a motorcycle much more than you can see the motorcycle without it. Last summer my family and I drove 8,000 miles across country and back again. We saw many many motorcycles, some of them loaded, some of them with just one person on them. There were some with lights and some without them. It made no difference in the bright sun.

You might get a very fast glimpse, but if you are coming up behind them, even with that tail light on, and they step on that brake, there is so little difference in that tail light that that doesn't make any difference.

I still think that public service announcements will do the same job. There are also a good many policemen who just itch for the chance to pick up a motorcyclist for any reason. And you take a motorcyclist in the daytime that doesn't have his light on, and that just gives them one more reason to pick him up. At night time if you don't have a light on you know you don't have, but in the day time you have got little chance against them.

I still will stay with the "ought not to pass" report.

The SPEAKER: The pending question

is on the motion of the gentleman from Augusta, Mr. Bustin, that the House accept the Minority "Ought to pass" Report on Bill "An Act Requiring a Lighted Headlamp on Motorcycles Using the Highway," House Paper 1721, L.D. 2114. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

The Bill was read once and assigned for second reading tomorrow.

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Joint Order: (S. P. 831)

ORDERED, the House concurring, that the Joint Standing Committee on State Government is directed to report out a Bill, "An Act to Redistribute Certain Statutory Powers now Vested in the Executive Council."

Came from the Senate read and passed.

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

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.