

# MAINE STATE LEGISLATURE

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# 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**

Wednesday, January 23, 1974

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

Prayer by Brigadier William Miles of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees  
Ought to Pass in New Draft  
Later Today Assigned**

Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Payments in Behalf of Maine Students at Out-of-State Graduate Schools" (S. P. 707) (L. D. 2119) Emergency, reporting "Ought to pass" in New Draft (S. P. 824) (L. D. 2336) Emergency, under new title "An Act to Encourage Maine Students at Graduate Schools to Become Physicians and Dentists"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-320).

In the House, the Report was read.

(On motion of Mr. Norris of Brewer, tabled pending acceptance of the Committee Report in concurrence and later today assigned.)

**Order Out of Order**

Mrs. Chonko of Topsham presented the following Order and moved its passage:

ORDERED, that Clifton Below, Scott Colby and Steven Arnold of Topsham be appointed Honorary Pages for today.

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

**Divided Report**

Majority Report of the Committee on County Government on Bill "An Act to Permit Counties to Accept and Expend State and Federal Grants" (S. P. 708) (L. D. 2120) Emergency, reporting "Ought to pass" as amended by Committee Amendment "A" (S-318).

Report was signed by the following members:

Messrs. ROBERTS of York

CLIFFORD of Androscoggin  
of the Senate.

Messrs. FARRINGTON of China  
CHURCHILL of Orland  
McMAHON of Kennebunk  
GARSOE of Cumberland  
WHITZELL of Gardiner  
SHELTRA of Biddeford

— of the House.

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

Report was signed by the following members:

Messrs. DYAR of Strong

DAM of Skowhegan

— of the House.

Came from the Senate with the Majority "Ought to pass" as amended by Committee Amendment "A" (S-318) and the Bill passed to be engrossed as amended.

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from China, Mr. Farrington, moves that the House accept the Majority Report, "Ought to pass" as amended by Committee "A" in concurrence.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am a signer of the minority report. I am in agreement with the bill, but I oppose Committee Amendment "A". Committee Amendment "A", it says nothing under the section that is intended to increase, expand or broaden the powers of counties that have applied for general revenue sharing funds of the counties.

I asked the Attorney General two questions. My first question was, can the legislature interfere with federal revenue sharing by county government, or are we preempted by the federal rules and regulations on revenue sharing? My second question was, would Committee Amendment "A" to L. D. 2120 be in conflict with the federal regulations?

I received an answer from the Attorney General's Office referring me to a letter forwarded to the Honorable John Roberts, Chairman of the County Government Committee dated February 9, 1973, and a letter forwarded to Represen-

tative Garsoe last week. The question answered to Representative Garsoe clarified the fact that this bill, as written, did not pertain to revenue sharing. It pertained to state and federal grants.

On the interpretation of whether or not the Maine Legislature can play around with revenue sharing that is going to the counties, in the letter of February 9, 1973, the Attorney General says, "In our opinion, the legislature does not have such responsibility." It goes on to say, "Granting the State the right to direct a local government to spend a specified portion of their entitlement on specific area-wide projects would be contrary to the underlying principle of the legislation which would permit local governments to determine how they would spend their funds." This is from 10 U.S. Code, Congressional Administrative News, November 30, 1972, page 5509.

The county attorney in Androscoggin County also was asked to rule for his county, and he indeed cited the same section of the United States Code as did our Attorney General.

Last week I did take the time to request a ruling from the United States Attorney General on the rights of the legislature to interfere with federal revenue sharing. As of now, I have not received an answer.

I felt that I should explain the reason of signing the minority report. The main question, I think, in the eyes of many in the Committee on County Government is the term "local government." My interpretation of local government, at a federal level, would be any form of government below state government, because the federal government does refer to state government in its decisions and it does refer to local governments.

I will not attempt to override the decision in the other body, but I do resent the way that some people are saying the minority group would attempt to curtail the duties that are found in county government.

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-318) was read by the Clerk and adopted in concurrence and tomorrow assigned for second reading of the Bill.

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

Bill "An Act Increasing Salaries of Various County Officers" (H. P. 1732) (L. D. 2176) which was passed to be engrossed in the House on January 17.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-319) and Senate Amendment "B" (S-321) in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, recommitted to the Committee on County Government in non-concurrence and sent up for concurrence.

#### **Petitions, Bills and Resolves Requiring Reference**

The following Bills and Resolves 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 Transfer Certain Unexpended Dedicated Funds at End of Fiscal Year" (H. P. 1895) (Presented by Mr. Jalbert of Lewiston)  
(Ordered Printed)

Sent up for concurrence.

##### **Legal Affairs**

Resolve to Reimburse Edgar W. Tupper of Madison for Loss of Beehives by Bear (H. P. 1900) (Presented by Mrs. Berry of Madison)

Resolve to Reimburse Michael Gilbert of Albion for Loss of Poultry by Wild Animals (H. P. 1899) (Presented by Mr. Hunter of Benton)

(Ordered Printed)

Sent up for concurrence.

##### **Natural Resources**

Bill "An Act Relating to Forest Fire Protection" (H. P. 1901) (Presented by Mr. Farnham of Hampden)

(Ordered Printed)

Sent up for concurrence.

##### **State Government**

Bill "An Act Reorganizing Executive Staff Functions" (H. P. 1902) (Presented by Mr. Cooney of Sabattus)

(Ordered Printed)

Sent up for concurrence.

##### **Taxation**

Bill "An Act Relating to Due Dates of Property Taxes" (H. P. 1903) (Presented by Mr. Twitchell of Norway)  
(Ordered Printed)  
Sent up for concurrence.

### Transportation

Bill "An Act Transferring Responsibility for Student Driver Education to the Motor Vehicle Division" (H. P. 1904) (Presented by Mr. Bither of Houlton)

Bill "An Act Transferring School Bus Driver Qualification Duties from Transportation and Safety, Department of Educational and Cultural Services to the Motor Vehicle Division" (H. P. 1905) (Presented by Mr. Bither of Houlton)  
(Ordered Printed)  
Sent up for concurrence.

### House Report of Committee Ought to Pass in New Draft New Draft Printed

Mr. Garsoe from Committee on County Government on Bill "An Act to Authorize a Food Stamp Program in Cumberland County" (H. P. 1831) (L. D. 2322) Emergency, reporting "Ought to pass" in New Draft (H. P. 1898) (L. D. 2402) under same title.

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

### Consent Calendar First Day

(H. P. 1832) (L. D. 2323) Emergency Bill "An Act Relating to Expending Cumberland County Funds at County Jail and Recreation Center" -- Committee on County Government reporting "Ought to pass" as amended by Committee Amendment "A" (H-647)

(H. P. 1786) (L. D. 2258) Bill "An Act to Correct Errors and Inconsistencies in the Marine Resources Law" -- Committee on Marine Resources reporting "Ought to pass" as amended by Committee Amendment "A" (H-648)

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

### Consent Calendar Second Day

(H. P. 1722) (L. D. 2115) Bill "An Act

Relating to the Inspection and Licensing of Motor Vehicle Racing"

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

### Second Reader Indefinitely Postponed

Bill "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspensions" (H. P. 1719) (L. D. 2112)

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

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you this morning with a very red face, properly embarrassed. As you know, yesterday I spoke twice in favor of the majority report on this bill and then I inadvertently voted for the minority. Today I would like to correct that, so I now move the indefinite postponement of the bill.

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

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

Mr. MARTIN: Mr. Speaker, I move this item lie on the table one legislative day, pending the motion of indefinite postponement.

Thereupon, Mr. Fraser of Mexico requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that this matter be tabled for one legislative day, pending the motion of Mr. Fraser of Mexico to indefinitely postpone. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the house was taken.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that this matter

be tabled for one legislative day, pending the motion of Mr. Fraser of Mexico to indefinitely postpone. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA Berry, P. P.; Berube, Binnette, Boudreau, Briggs, Brown, Bustin, Carey, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Dow, Drigotas, Dunleavy, Farley, Farrington, Fecteau, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Jacques, Jalbert, Kilroy, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Norris, O'Brien, Palmer, Peterson, Pontbriand, Ricker, Rolde, Ross, Smith, D. M.; Smith, S.; Snowe, Soulas, Talbot, Tanguay, Tierney, Twitchell, Wheeler, Whitzell.

NAY — Albert, Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Cameron, Carrier, Chick, Churchill, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Dudley, Dunn, Emery, D. F.; Evans, Farnham, Finemore, Flynn, Fraser, Garsoe, Good, Hamblen, Hoffses, Huber, Hunter, Immonen, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahon, McNally, Merrill, Mills, Morton, Murchison, Parks, Perkins, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Sproul, Stillings, Strout, Susi, Theriault, Walker, Webber, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Bunker, Dam, Donaghy, Dyar, Faucher, Ferris, Gahagan, Haskell, Jackson, Santoro, Sheltra, Trask, Trumbull, Tyndale.

Yes, 66; No, 71; Absent, 14.

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want to thank the Speaker for having voted against me. I do want to make sure that you are aware of what I was intending to do. I voted for the bill yesterday,

and I suspect I probably would have voted against it today.

I don't happen to believe that there is any need for us to get involved in a hassle on this particular type of legislation. There are certain things that could be done to amend the bill, it is my understanding, which would make it acceptable to both sides. It was my understanding that perhaps if we were to table it for one day, that both sides could then get together on a proposed amendment to see if it could be worked out. If not, obviously we would have to fight the battle anyway. I certainly didn't want to get involved in a hassle between the gentleman from Mexico and the gentle lady from Lewiston, being both members of my own party, and I don't particularly like to take sides on an issue such as that. But I do think that it is the type of thing which could have been worked out. Obviously, in this point in time I certainly feel that it is something that was entirely proper.

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

Mr. CAREY: Mr. Speaker and Members of the House: The leadership in the left-hand corner of the House is not endeavoring himself with any of us in this building with the remarks made to you.

We just had a piece in the paper this morning where leadership is asking for an apology to the Supreme Court for some remarks that were made by Representative Emery.

I voted with Mr. Martin on that last issue, but I don't know how much longer I can vote with him if he continues to make these snide remarks, and I feel that he owes the Chair an apology.

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

Mr. MARTIN: Mr. Speaker, I thank the gentleman from Waterville. I had no intention of making a snide remark at the gentleman from Cape Elizabeth. I thought that it was rather interesting the way the vote was going, and then all of a sudden the light went on and about 20 votes switched. That is all I was trying to imply. Certainly it was nothing at all against the Speaker.

The SPEAKER: The Chair thanks the gentleman.

The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to oppose Mr. Fraser's motion. I would like to remind him that perhaps his face is red because he did, indeed, support our bill yesterday, but he also, I think, should have a red face for having said that if a hearing would be given, the 30-day suspension would have expired by the time the Secretary of State's Office would get around to giving a hearing. Well, the bill reads, "From the date the Secretary of State receives notice of request for hearing until the Secretary of State continues, modifies or rescinds the suspension, said suspension shall not be effective."

The big argument, it seems, although not heard too much overtly, is that the Secretary of State would not have the time to be able to handle the extra workload. Perhaps he could, in fact I think he could if perhaps he spent a little less time coming up to the third floor to lobby against this bill, and perhaps still engage some subordinate to attend the many many hearings that spend in hearing all the bills. I think that time could be devoted to a private hearing.

I would like to just very briefly state one of the reasons why I feel very strongly for this bill. You know someone who has had a license suspension for drunk driving, say for one year, after six months he can request a hearing from the Secretary of State. Can we do no less for a moving violation? Also, my main reason was that a young man in my area of 18 was issued a provisional license in July 1971, and in October of 1972, it was his first offense, he was stopped for passing a red light in blinding rain at night in an unfamiliar neighborhood. The young man went to court as directed and his case was heard, not by a judge but by a clerk. He admitted he had indeed passed a red light, and the clerk fined him \$25 and told him he would lose three points on his license. He quickly thought that the lawyer would have charged him much much more, so he paid the fine. In December of 1972, he was notified by mail that his license was being suspended for 30 days and that he would have to pay a reinstatement fee of \$10. This man came from a family of eight

children. His father was deceased, and I think perhaps had there been legislation providing for a request for a hearing that it would have saved him a lot of anguish, because he did need that particular driver's license to work his way through school.

I would appreciate your voting against Mr. Fraser's motion.

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

Mr. FRASER: Mr. Speaker and Members of the House: The case mentioned by the good lady from Lewiston really is a sad one, but it really is an isolated one. When you consider the 26,000 applications that come in every year for new licenses, you can't have a law without inconveniencing somebody. There has to be somebody that doesn't like it or somebody that is going to be put out. The whole general deal is, in my estimation, a means of traffic safety.

As I said before, I am sorry about this case she mentions, but I still don't think that is the reason for changing the bill.

#### Order Out of Order

Mr. Lynch of Livermore Falls presented the following Order and moved its passage:

ORDERED, that Larry Maillet of Turner, Robert Burgess of North Leeds, Gene Barker of Leeds and Donna Mayo of North Turner be appointed Honorary Pages for today.

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This bill does concern me, and I would like to speak directly in response to the remarks of the gentle lady from Lewiston, Mrs. Berube.

The Secretary of State was here on the third floor this morning, but I would call to her attention that he is not the gentleman who conducts the hearings. They are done by the hearing examiners. The Secretary of State's prime consideration here is safety.

This law came on the books in 1969 through the efforts of the gentleman who is still with us here in the legislature who

feels that it is good legislation. It does serve notice to first-year drivers, first-year license holders, that their license is something they better respect and attempt to avoid getting in trouble with the traffic law and hence suffering a 30-day suspension. It is also true that if a person's license is suspended and he makes a request under this new proposed legislation, that the suspension is automatically waived until after the hearing.

So in effect, ladies and gentlemen of the House, this bill, carried through to its conclusion, would completely emasculate the law that we have on the books. Certainly the Secretary of State might not grant a waiver, but I am sure that many of the cases would be considered hardship cases.

This is safety legislation. The Secretary of State told me this morning that certainly additional administrative hearings would be a bigger burden, but that was not his prime consideration in being concerned about the bill. He said he could handle the hearings all right.

Safety is the paramount issue here. I think we should go along with Mr. Fraser's motion and indefinitely postpone this legislation.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: The day this bill was heard, I happened to attend the hearing on another issue that came before them, but I sat through all the testimony that was given in regard to this bill. I was particularly impressed with the testimony given by our Secretary of State, Mr. Joseph Edgar, and I would like to state here that the previous speaker has hit the nail right on the head. Mr. Edgar was emphasizing the importance of safety. I don't think he was so concerned about the work that might pile up as he was with the safety issue. He stated that these young drivers were new drivers and that some impression should be made on them in order to maintain safety on our highways.

I feel that this bill is not necessary. Mr. Edgar also stated that this system had been in operation for a number of years. He felt that it was a good system, and he would certainly hate to see any change in it. I hope you would go along with Mr. Fraser.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I was also present at this hearing and I was there also for another reason, but I remember a question being posed, I believe by the gentlelady from Union, Mrs. McCormick, to either the Secretary of State or the head of the Motor Vehicle Licensing Division. Her question stated, "Well, if somebody from out of state has a provisional license or is on their first year of having a license from another state and they come to Maine, does the Maine law apply to them?" I think the reply was that the Maine law does not apply to them. So what we in essence are doing is discriminating against Maine citizens who hold a first year license. Because if you hold a first year license from another state, move to the State of Maine and you have a moving violation, you only lose points, you don't lose your license. If I am incorrect in my understanding, I wish that the member of that committee would correct me.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: The question that stands regarding out-of-state people coming in here and getting their license, does this law apply to them if it is their first license they have ever had, but if they have had a previous license in another state then it doesn't apply?

Last year, the Secretary of State's Office issued 30,937 provisional licenses, and out of these, 2,800 were revoked for one reason or another.

Now the worst part of this bill that is in here today is that if a provisional license is revoked for any cause whatever, after requesting the Secretary of State for a hearing, they can continue to drive, regardless of what the violation was, whether it is drunk driving or driving under the influence of drugs or whatever. Out of 2,800 people losing their license under this law, even if half of them request hearings, it is going to be some job for the Secretary of State's Office to take care of these within a 30-day period. And for safety reasons, I don't believe that these people should be on the road with their cars until after the hearing to see if



they are considered a good risk under the safety laws that we have.

I hope this will be defeated for safety reasons and to give these people a chance to perhaps respect their licenses a little better than they do when they first get them.

Mr. Silverman of Calais requested a roll call vote.

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

Mr. McKERNAN: Mr. Speaker and Members of the House: I just have one quick comment on this bill. I think I would like to call your attention to item 3 on yesterday's bills for the second reading, in which we overwhelmingly the first time and in second reading unanimously allowed a hearing and notice for a hearing to people involved in the Financial Responsibility Law. I think that the least we can do is to allow somebody who is about to lose his license, who may have extenuating circumstances, to have notice and also to have a hearing before the Secretary of State before he is deprived of his right to drive a car.

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 Mexico, Mr. Fraser, that Bill "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspensions." (H. P. 1719) (L. D. 2112) and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Baker, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Cameron, Carrier, Chick, Churchill, Conley, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Dow, Dudley, Dunn, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Finmore, Flynn, Fraser, Garsoe, Good, Hamblen, Hancock, Herrick, Hoffses,

Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, Mahany, Martin, McMahan, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Ross, Shaw, Silverman, Simpson, L. E.; Soulas, Stillings, Strout, Susi, Theriault, Trask, Twitchell, Walker, Webber, White, Willard, Wood, M. E.; The Speaker.

NAY — Berry, G. W.; Berry, P. P.; Berube, Binnette, Bustin, Carey, Carter, Chonko, Clark, Connolly, Cooney, Cote, Drigotas, Dunleavy, Dyar, Fecteau, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Huber, Jacques, Jalbert, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, Maxwell, McCormick, McHenry, McKernan, McTeague, Morin, L.; Morin, V.; Mulken, Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Rollins, Sheltra, Shute, Smith, D. M.; Smith, S.; Snowe, Sproul, Talbot, Tanguay, Tierney, Wheeler, Whitzell.

ABSENT — Briggs, Dam, Donaghy, Ferris, Haskell, Mills, Santoro, Trumbull, Tyndale.

Yes, 84; No, 58; Absent 9.

The SPEAKER: Eighty-four having voted in the affirmative and fifty-eight in the negative, with nine being absent, the motion does prevail.

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

Mr. FRASER: Mr. Speaker, I now move reconsideration and hope that you will vote against me.

The SPEAKER: The gentleman from Mexico, Mr. Fraser, moves that the House reconsider its action whereby it indefinitely postponed this bill. All in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

#### Second Reader Tabled and Assigned

Bill "An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County" (H. P. 1687) (L. D. 2080)

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

(On motion of Mr. Carter of Winslow,

tabled pending passage to be engrossed and tomorrow assigned.)

**Passed to Be Enacted  
Emergency Measure**

An Act to Authorize Maine Maritime Academy to Grant Honorary Degrees (H. P. 1693) (L. D. 2086) (H. "A" H-642)

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. 129 voted in favor of same and 0 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act Relating to Place of Examination under Unfair Trade Practices Act (H. P. 1698) (L. D. 2091)

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. 126 voted in favor of same and 1 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Finally Passed  
Emergency Measure**

Resolve Providing Funds to Settle an American Arbitration Association Award and for Extra Costs in Constructing a Fish Trap on the Union River (S. P. 784) (L. D. 2264)

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. 134 voted in favor of same and 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act Requiring a Lighted Headlamp on Motorcycles Using the Highway (H. P. 1721) (L. D. 2114)

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

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the enactment of this piece of legislation. I had not planned to oppose this further, as I did once before and lost, but last weekend when I went home I talked to many people I know who are motorcyclists, and I have yet to find one who supports this piece of legislation. Many are not opposed to keeping the lights on during the day. What they are opposed to is the fact that they would be required by law to keep them on and if they forget to turn them on, which is a distinct possibility since it is hard to remember to turn on lights during the daylight, they would be subject to a fine and if it happened probably more than once, loss of license.

Also, many motorcyclists, including myself, feel that this is one more infringement on their rights, without a good solid reason to do so. I do not feel that by turning on one's lights during the day on a motorcycle will significantly alter the driving habits of most people.

My good friend from Augusta, Mr. Bustin, noted on an accident that he came upon where the driver of the automobile was lamenting the fact that he did not see the motorcyclist. I submit from my own experiences as a motorcyclist, that whether or not the bikes lights were on would probably not have made any difference. If the driver of that automobile was looking or paying attention to driving or had adequate eyesight, and the motorcyclist was obeying the laws and driving safely, the accident probably would not have happened.

As a motorcyclist, I have been involved in a few close calls, some without my lights on and some with my lights on. The problem is not with the visibility of motorcyclists; it is with the attitude and actions of the automobile driver.

If it could be proven to me that by requiring, by law, that motorcyclists keep their lights on during the day that it would significantly reduce accidents, I would probably buy it. However, my experience as a motorcyclist and from talking with other friends of mine who are motorcyclists has not shown me that this assumption is true. Therefore, I do

not feel that the resulting loss of rights, i.e., being subject to fines and loss of license is worth the passage of this legislation.

I feel that my record for safety legislation, i.e., Motorcycle Driver Training bill, and the Tire Tread Depth Law, both which I sponsored during the regular session, amply shows that I am concerned with safety. In both cases, however, I felt that the resulting legislation was conclusively shown to result in safer driving habits, and safer driving at little infringement upon a person's rights.

This bill received a majority "ought not to pass" report. I therefore wish you would take that into consideration. I therefore wish to ask for a division and I hope that you vote no on enactment.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It appears that the gentleman from South Berwick and I have talked to different groups of motorcyclists, because far and away all the motorcyclists, except a few, who have talked to me about this bill think it is a good idea. They think it is a real advancement as a safety measure.

A lot of people for some reason have come up to me in the last week and talked about this bill, and people who have travelled across country, especially are enthusiastic about it. There is a tremendous difference when you are driving through a state that requires the headlamps of the motorcycles be on, and then you come into another state where the requirement does not exist.

Mr. Speaker, ladies and gentlemen of the House, I think to require a motorcyclist to flip the switch and turn on his headlight while operating is not a particularly great infringement on anyone's rights. I move that this bill be passed to be enacted.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I am just wondering about this bill, how this works. Now, an out-of-stater comes into our state here and he is not required to have his light on, I am wondering if he would be taken to court or arrested or

take his bike away, most of the time this is what happens. A man coming in from Canada, where they do not require that they have their headlights on, I am wondering how this would affect them if he was involved in an accident and his insurance company and or fatality has happened, and I would like to see one of the lawyers answer this question for me also?

Another thing, ladies and gentlemen of the House, most of these motorcycles do not require to have a battery on their motorcycle, they have a magneto or an alternator that runs their lights. At low speed their light is very dim. That means when they run around the city that their light is not as bright as it would be if they were traveling 50 or 60 miles per hour on the highway. Now, this would create another problem, that this light is not seen at a slow speed. Another thing, you would be following this motorcycle with this tail light on all day; it's a red light. Now the man wants to put his brakes on and he does apply the brake and that brake certainly wouldn't show during the day. It might be a little different, but the driver in the back certainly wouldn't notice it, and this is another problem this would create.

Now we have trail bikes that are not required to have headlights that are on our highways. They do not ride at night; they have a special permit to operate during the day. Now they do not have headlights. You are creating an awful hardship on some of these young people, and we have a lot of young people left in this state, and I hope that you do not go along with the enactment of this bill because it would create an awful hardship, and believe me, you are going to see an awful lot of motorcycles next summer in this state, because they are inquiring, people to travel back and forth to work, and you would be creating an awful hardship on them, and I move, Mr. Speaker, at this time that we indefinitely postpone the accompanying papers.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Over the weekend I had several telephone calls from motorcycle drivers in my town;

every single one opposed this piece of legislation because they felt it was both discriminatory and unnecessary. They all made the point to me that they themselves preferred to have their lights on when driving on a voluntary basis. I would hope that you would support the motion to indefinitely postpone and I request a roll call.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to stress one point that Mr. Jacques made and that is, coming up from behind during the day when your lights are on, there would be very little difference between the brake light and the tail light when you are running with lights on it would be very difficult to see unless your light was off because of the smallness of some of the tail lights on some of the motorcycles. So actually, you may be creating more of a hazard than what you are trying to prevent here.

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. Jacques, that Bill "An Act Requiring a Lighted Headlamp on Motorcycles Using the Highway" (H. P. 1721) (L. D. 2114) be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Birt, Brawn, Carter, Chick, Connolly, Cote, Cottrell, Cressey, Davis, Dudley, Dyar, Evans, Farley, Farrington, Faucher, Fecteau, Gauthier, Goodwin, H.; Hamblen, Herrick, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, LaPointe, LeBlanc, Lewis, J.; Martin, McCormick, McHenry, McMahan, Morin, L.; Mulkern, Murray, Parks,

Peterson, Pratt, Ricker, Rolde, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Soulas, Sproul, Strout, Talbot, Tanguay, Trask, Twitchell, Walker, Webber, White, Whitzell, Wood, M. E.

NAY — Baker, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bragdon, Brown, Bustin, Cameron, Carey, Carrier, Chonko, Churchill, Clark, Conley, Cooney, Crommett, Curran, Curtis, T. S., Jr.; Deshaies, Dow, Drigotas, Dunleavy, Dunn, Emery, D. F.; Farnham, Ferris, Finmore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, K.; Greenlaw, Hancock, Hobbins, Hoffses, Huber, Kelley, R. P.; Kilroy, Knight, LaCharite, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, Mahany, Maxwell, McKernan, McNally, McTeague, Merrill, Mills, Morin, V.; Morton, Murchison, Najarian, Norris, Palmer, Perkins, Pontbriand, Rollins, Ross, Smith, D. M.; Smith, S.; Snowe, Stillings, Susi, Theriault, Tierney, Trumbull, Wheeler, Willard.

ABSENT — Briggs, Bunker, Dam, Donaghy, Haskell, Keyte, Lynch, O'Brien, Santoro, Tyndale.

Yes, 63; No, 77; Absent 10.

The SPEAKER: Sixty-three having voted in the affirmative and seventy-seven in the negative, with ten absent, the motion does not prevail.

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

An Act to Amend the Law Relating to Attempted Escapes from the Maine State Prison (H. P. 1750) (L. D. 2209)

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.

#### Orders of the Day

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

Bill "An Act to Establish Guidelines for Release of Accused Persons Pending Trial" (S. P. 766) (L. D. 2197) (C. "A" S-311).

Tabled — January 22, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I posed a rather brief question on this legislation and its intent. I talked to two or three members of the legislature about it and I have not really received complete satisfaction in the intent and purpose of this bill which basically relates to releasing prisoners on personal recognizance rather than requiring bail.

I do think that this is a very important issue and probably will have a great effect in the State of Maine. I think that a detailed explanation from some members of the Judiciary Committee would be in order, and I would hope that they would explain the purposes of this bill and some of its ramifications so that we can all have a better idea of what we are voting for today.

The SPEAKER: The gentleman from Rockland, Mr. Emery, poses a question through the Chair to any member who may answer if he or she wishes.

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

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

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

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 Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: Like the gentleman from Rockland, Mr. Emery, I think it is an important bill, and like him, I do not understand every facet of it. I think he asked a legitimate question yesterday. I think this House deserves an explanation from the members preferably of the committee involved. If I recall, it was a unanimous committee report; if not, I ask a

member of the committee to correct me.

I think when we are dealing with something as important as this, and it is very important, we are talking about release of people charged with crimes, setting standards for it, that this House deserves an explanation from the committee members involved. I would ask that either the House Chairman of the Judiciary Committee or the ranking Democrat on the Judiciary Committee or perhaps one of the lawyers on Judiciary explain the bill to us.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to apologize to Representative Emery both for today and for yesterday. Today I was talking, unfortunately, when he posed his question. I have asked around as to what the question was. I guess it is basically the same question he asked yesterday. I did speak to Representative Emery subsequent to the tabling motion yesterday, in an effort to explain partially what the bill provides.

This bill was introduced as a matter of trying to establish guidelines for purposes of releasing individuals on personal recognizance rather than requiring cash or security bail. There are many individuals who are picked up and fined pending their release on bail, and unfortunately many individuals cannot afford bail. Because of that, they go out, they get a loan shark to supply the amount of money that is required to post the bail and they are locked into a very unfortunate situation that requires them then, upon release, to seek other ulterior means to take care of the bail.

This bill also was designed to conform to the federal standards for release of individuals on bail. Actually the committee did not accept those standards, instead there is an amendment on the bill to provide that before an individual may be released on personal recognizance that the bail commissioner or judge will consider five different areas of concern, and if he finds that any two of them are such that the individual who is being released may not appear at the time he is ordered to appear for trial, he will deny the individual the right of bail. Those

particular items of consideration are stated as A, B, C, D, E and F in the bill, depends upon whether the individual is a member of the community, has been a considerable period of time, whether he is or is not an upstanding citizen of decent reputation, whether or not he has employment in the community, whether or not he has committed a previous criminal offense, whether or not there is an opportunity to plea and he might do so.

Consequently, I have seen such situations personally, and I believe it is such, as most recently as New Year's Eve, which an individual was picked up, a 65 year old gentleman was picked up for a driving offense, driving under the influence when he took his babysitter home. This individual in South Portland has never had a driving violation in his life. He was taken to the jail, booked and fingerprinted, had his picture taken, placed in confinement, and was not even provided a bail commissioner, to say nothing of whether or not he could in fact get bail. Once he got a bail commissioner, he was unable to find somebody to come down and secure his release. I feel, as I think most of you would, that this is highly horrendous in terms of an individual such as that.

I might relate another instance in which I was called at five o'clock in the morning by no less than the driver of the Conroy Funeral automobile, who has himself never had a driving violation in his life, who was picked up, unfortunately to be sure, and wrongfully on his part for driving under the influence. And that individual, likewise, was then taken to the county jail, and because he could not provide immediate cash bail or security, he was not released to the community. And this is a man within the community that is seen every day of the week driving to and from the funeral home to the Calvary Cemetery in South Portland. And I find this completely uncalled for and inexcusable.

Therefore, these guidelines, had they been employed and in use, would have taken care of that situation, because as a member of the community he could have been released. He has a job, belongs to the community, and could be released. It does take care of that situation as well as the fact there are those individuals,

grant you, that have committed crimes but can not afford bail. Right now under the law they may be released on personal recognizance. But some do it; some don't do it. They have no guides to go by. And this is all this bill is trying to do.

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

Mr. McKERNAN: Mr. Speaker and Members of the House: So that Representative Perkins won't feel he is all alone here, I would just add a couple of things on this bill. First, after the five sections which enumerate the considerations of a judge in determining whether or not bail should be required, it goes into a section saying that if a person is denied release on personal recognizance as opposed to bail, he should be able to petition the Superior Court to have that decision reviewed.

And then, also, if you look at Section 2, it is the penalty for the persons who are put out on personal recognizance and do not show up when they are supposed to, the penalty is either a fine or six months in jail if it is a misdemeanor; and five years if the offense is a felony. So there are certain safeguards against people who have been determined by judges to be worthy of bail or to go out without bail, because there will be stiff penalties if they don't live up to the faith put in them by the judge.

And after this explanation, if it is sufficient, I would hope that Representative Emery would withdraw his motion to indefinitely postpone.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate Mr. Perkins' concern for guidelines. But how about the person picked up for breaking and entering on several occasions? He is released on personal recognizance, and while he is out he is free to burglarize again. And this has happened many, many times.

I support the motion for indefinite postponement.

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

Mr. McMAHON: Mr. Speaker and

Ladies and Gentlemen of the House: If you look at Section 942-1, about three fourths of the way down it says, "In the judge's determination, said judge or bail commissioner shall order cash or surety bail to be provided only if three or more of the following factors clearly indicate that release of the accused on personal recognizance or an execution of an unsecured appearance bond will not reasonably assure his appearance as required." Now, if you review A, B, C, D, E, and F, in reality there are only three; A, D and F items that it seems to me particularly important for someone who is a resident of this state who is brought before the courts. In my opinion, this bill slants in favor of personal recognizances releases, and I definitely do not favor it.

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

Mr. DYAR: Mr. Speaker and Members of the House: I think one thing that has not been brought out on this bill at all on Section 942 is the word "shall" which ties a judge down. He "shall" release a person on personal recognizance, providing the six sections stated he can not find three excuses in these six sections.

Now here again, I think the gentleman from Westbrook has very clearly pointed out the problem. I think the gentlewoman from Portland on several occasions had legislation before this body to prohibit bail for a person who is on bail or probation on a second offense which we have not gone along with. But these six conditions I think are wide open.

Now, just because the accused's family lives in the State of Maine, just because the accused has been a resident of the community for a long time, just because the accused is employed, just because the accused has never run away on a previous offense, and just because the accused has never failed to appear in court on a previous charge, I don't think it has too much bearing. I think we are taking away the right of the judge to really review the individual case.

I think the gentleman from Westbrook did point out that this does happen, and I know it does happen, where somebody goes into court, they do pay their bail, they are out waiting for court action, and they go out and commit another crime, usually breaking and entering. They go

back in again. They still are on bail. They get an extension on the previous charge, and again they are out in the field and are free to commit another crime.

I certainly am very much against this word "shall." I think we should give the judge the discretion that we say he "may" review these six conditions, that he "may" release a person on his personal recognizance.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I merely would like to point out because of Representative Ross' and Representative McMahon's observations in regards to Section 942, that that particular Section is the portion that has been amended, and I don't know if they have the amendment in front of them. But it takes out the section that says "only if three or more." And I agree with them. The very questions which were presented were asked by committee members. And we felt that there should not be such a big leeway because of the type of conditions. It was our feeling that it could be amended so that it could be taken care of and adequately so to secure people in thinking that they were getting the service that they needed from a bail commissioner and the courts. And we put in instead, "Further amend bill by taking out 'three or more,' and inserting in place thereof, if any 'two or more' of those particular conditions apply." So it is not as if we have left the bill in its original form.

I might state further that we had opposition to this bill, and the amendment in particular, by the group known as SCAR. And it was their feeling that it did not suit the purposes that they were seeking in the form of that type of bill.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to brief you briefly on this bill. I heard the public hearing. I thought it was a good bill. It does set up guidelines insofar as bail is concerned, guidelines that we don't have at all now. I would like to just relate to you a couple of short

stories that I am personally involved with.

A young man in Portland was picked up, arrested, spent some time in jail because of one charge or another. He spent three months in the county jail because he couldn't find anybody to put up his bail for him. He spent three months in the county jail and then went to court. As soon as he got to court, the judge threw the case out. The young man lost three months and lost his job, only because he could not find enough money or anybody to put up bail for him. The young man never had a previous conviction, never even had a traffic violation. That's only one case. I think there are many of them in this state.

The other case is my own, and I think some of you have heard this story before, the case where I was arrested, mug-shot, fingerprinted, and spent some time in jail because my dog wasn't licensed, which it was, so he issued us a summons to appear in court. Being an ordinary citizen, we called the police department, and we also called city hall to find out whether we still had to appear. We were told that we did not have to appear. So consequently, on the way home from work two cruiser cars picked me up and two cruiser cars took me down to the Portland Police Station, where they booked me, fingerprinted me, mug-shot me and put me in a cell in which I waited for a bondsman. Now, down in Portland, and I don't mean to be derogatory towards the City of Portland, there is a whole list of bondsmen or bailsmen. We couldn't find anybody at that particular time. And my wife finally had to go out and dig up one — I shouldn't say dig up one (laughter) — she had to go out and bring one in so that I could post bond and go to court the next morning, which we did. And at that time I found out that the bondsman charged more during the night than he did during the day. In other words, if he has to get up out of bed he is going to charge you more to get out. So, in other words, you are paying a cost that you can't get back. The next morning I lost time from work. I went to court, and the judge, finding out the circumstances, and finding out what the case was all about, threw the case out. The point is, I spent three, four, five or six hours in a cell and that I didn't have

to be there, because I would have showed up in court anyway.

So I would hope that you would vote against indefinite postponement of this bill so that we can make a motion that it be passed.

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

Mr. KELLEHER: A question: I would ask the Clerk to tell me; what was the Committee Report on the bill?

Thereupon, the Report was read by the Clerk.

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

Mr. McMAHON: Mr. Speaker and Members of the House: Very briefly; I apologize for speaking on this so much. But I thank Representative Perkins for his calling my attention to the amendment, but I don't believe the amendment corrects the problem.

Let's assume that a resident of the State of Maine, who has family ties in the State of Maine, who has lived a long time in the community in the State of Maine, who is employed in the State of Maine, who has never previously fled to avoid arrest or prosecution, and has never previously failed to appear for charges, let's assume that person commits a crime of a high and aggravated nature. Regardless of the way the Committee Amendment reads, as I would understand it, that would only be one factor. Therefore, the judge could not deny that person bail on personal recognizance.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I thank the various members of the Judiciary Committee for raising the points and advising us as they have. I am somewhat concerned by the point raised by the gentleman from Kennebunk, Mr. McMahon. The amendment, it seems to me, causes the bill to read, and this is on the first page, subsection I of section 942, you strike out the word "only" and you insert "two" in place of "three."

I think I am somewhat sympathetic both to the overall purpose of the bill and the way the committee tried to make a more responsible bill. I do feel, and I



think our law is clear that in the case of a noncapital offense there should be a right of the person to get out as long as he is going to appear back in court at the time indicated.

The arguments made by Mr. McMahan, I think, have some weight, too. Namely, a person could be a long-time resident of Maine, with a job here and family ties here, and yet he could have been a person who was overheard to say, in the cell, let's say, by a deputy sheriff, "If I get out I am going, and they won't see me again." Now in that case, that hypothetical case, I do not believe he should be released either on personal recognizance or for that matter with the bar. But I do think we have a great need for legislation in this area, because as it stands now, our bail commissioners, who are part-time individuals, who are paid by the jobs, so to speak, have almost unfettered discretion.

I would hesitate to see the bill indefinitely postponed, because if we indefinitely postpone the bill, we do not have the opportunity to work with it. I think it is a bill that we need. I think perhaps it needs some modification. I would therefore hope, and I personally intend to vote against indefinite postponement, not because I disagree with some of the points that were raised by Mr. McMahan, but because I would think with the help of the Judiciary Committee and the Attorney General's Office we could make a workable and fair bill in this area. As the law stands now and I understand it, there is no law, and I think in a sense that it is better perhaps to have no law than a law with a weakness in it, but I think it is even better yet to have a law that really addresses the problem. We have the vehicle before us; I think we should attempt to use it. So I ask that the bill not be indefinitely postponed.

Mr. Ross of Bath moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and

more than one third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now. This is debatable with a time limit of five minutes by any one member.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I was just reading the Statement of Fact in regard to this bill.

The SPEAKER: The Chair would inform the gentleman that he can argue as to why we should not move the previous question.

Mr. BRAWN: Mr. Speaker, I think everyone should have a right to speak upon this bill.

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

Mr. McMAHON: Mr. Speaker, would it be in order to ask a question now?

The SPEAKER: The gentleman may pose his question.

Mr. McMAHON: Mr. Speaker, I don't know, and I wish to know if it would be appropriate now or when it would be appropriate to move that this bill be recommended to the Committee on Judiciary.

The SPEAKER: The motion may be made after we dispose of the previous question motion. The motion to recommit takes priority over the motion to indefinitely postpone, which is the pending motion after we dispose of the previous question motion.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I believe that in regard to this question many people have ideas they would like to express. I certainly believe that they should have that right.

Thereupon, Mr. Ross of Bath requested permission to withdraw his motion for the previous question, which was granted.

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

Mr. JALBERT: Mr. Speaker, I move

this bill be recommitted to the Committee on Judiciary.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Jalbert of Lewiston to recommit to the Committee on Judiciary in non-concurrence and tomorrow assigned.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning for what I think is one of the more important reasons as to why we are really here, and that is the energy crisis.

On Saturday I made one call to Texas and received another call from Texas. Both calls were totally unrelated. One was business; the other one was of a personal nature. During the conversation, sometime before I hung up, I asked the inevitable question, "What is the situation in your area concerning gas or concerning oil?" I would like to have you people really bear in mind that I was speaking to two people of great importance, if I were to name them in their field. The individuals were totally unrelated as far as their areas of profession are concerned. I got the same answer from both of them — that Texas people are laughing themselves all the way to the bank. They have got oil and they have got gas coming out of their ears, and they can get more.

I happen to know of an oil well in Saudi Arabia, and I know this for a positive fact, and I am not going into the details because I wouldn't want to have somebody say that I was in conflict of interest. But I happen to know that that oil well burned four days before anybody even paid any attention to it.

Some of you may have read the Boston Globe in which it said "Come to Florida, plenty of gas, plenty of oil." I took it upon myself, after serious thought on Monday, to call on the man who we have got in Maine in this area, the Honorable Timothy Wilson. I met him as he was coming into his office at 7:30 in the morning. We walked into his office. He didn't pull out any charts; he didn't pull out any memos; he didn't pull out any sheets, he just talked plain English to me. I found out to my satisfaction that

here was a gentleman who knew what he was talking about. I learned more in three quarters of an hour than I ever thought existed about this situation. I was never a believer anyway, and it started out in the beef situation. There was a tremendous shortage of beef. Up went the price. Suddenly when the price was up there, plenty of beef and plenty of fat with it, but the price stays right there.

I think a job is being done on us in Maine and also other states in the Union. I think if the facts were to be known, and if there had not been so much time spent on Watergate and the true facts were known, they could very well start another Watergate that might make this one look like a ping pong game.

We are talking about the lives and the health of people. We in the Appropriations Committee, for instance, sat up about four or six feet, why, I don't know, because I objected to it, but the fact remains that I spent the weekend in bed because of it, because it was 40 in the shade in that room, and on that day it was cold all over this building.

I claim that I don't think people who have children and elderly people can afford to have their thermostats down to sixty. We have talked about everything but energy crisis here. I, my own self, have put in a bill that I probably will withdraw that is not necessarily involved in the energy crisis, and I make no bones about it, Mr. Speaker, when I presented it before your committee. As a matter of fact, take everything out if you want to, treat me like everybody else, and I think you remember my words.

The point I am coming at, and I would like to have some of you discuss this morning, we spent 18 minutes and adjourned on Monday, I believe. We spent about 23 or 24 minutes and adjourned on Tuesday, I believe. We have had all sorts of caucuses. We have discussed reapportionment. We have discussed Amendment "B". We have discussed this, we have discussed that, but we have not discussed the real reason why at least I would like to have us be here and prove why we are here. I would like to ask the members their opinion on this subject, and I would like to suggest to you, Mr. Speaker, if you would, take an informal vote as to how many members of this

body would feel like even inviting the other body and asking Mr. Wilson to come before us and give us his knowledge and have us ask him some questions so at least we can go back home and say, here is what we found out today or yesterday or tomorrow. And I am serious when I say this, Mr. Speaker. This is uppermost in the minds of the people. People are living a life of insecurity today, and that is exactly the reason why. Is there any reason in the world why I should pay 27 cents for oil and my next door neighbor, if he moved into a new house, three months ago he was paying 39 cents, I don't believe it. I shouldn't have that special privilege any more than I want to take the special privilege of having a license plate of a different color, which I have never had.

I would like to ask for some of the opinions of the members, and, Mr. Speaker, I would ask your patience or indulgence to ask for an informal vote as to whether or not it might be a good idea to listen to somebody who knows and ask somebody who knows the answers, and that is Mr. Timothy Wilson.

The Chair laid before the House the following matter:

Bill "An Act Relating to Payments in Behalf of Maine Students at Out-of-State Graduate Schools" (S. P. 707) (L. D. 2119) reporting "Ought to pass" in New Draft (S. P. 824) (L. D. 2336) under new title "An Act to Encourage Maine Students at Graduate Schools to Become Physicians and Dentists" which was tabled earlier in the day and later today assigned, pending acceptance in concurrence.

On motion of Mr. Norris of Brewer, the Report was accepted in concurrence.

Senate Amendment "A" (S-320) was read by the Clerk.

On motion of Mr. Simpson of Standish, tabled pending the adoption of Senate Amendment "A" and tomorrow assigned.

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: My good friend from Lewiston, Representative Jalbert mentioned what the citizens there call, "The Great State of Texas."

To me this touches a very personal cord. Not only is it the state from whence my wife comes, but my son is nicknamed Texas. We have two license plates on cars, Texas 1 and 2.

Now, Mr. Wilson is a new appointment and I personally have never met him. So I have no first-hand knowledge of his qualifications. But I have heard conflicting reports. Many say that he is basically an athletic coach and primarily a football coach, and he knows little about either oil or energy. I doubt if those persons really know exactly what they are talking about. And others have said that he has had a great deal of other experience; that he is a lecturer; he is not just a coach; he has done much reading, studying and talking around the country about the subject in question. He is one of the very few fortunate persons in this entire world who has what is called a photographic memory.

Now I certainly will make no statement pro or con in regard to the very controversial energy question. Because I will admit that I am not qualified. But I would like very much to hear Mr. Wilson's views for two reasons. I would like to judge for myself his abilities and qualifications. And secondly, if he is knowledgeable I am sure that I could learn a lot. Now, if we do not do something like is suggested by the gentleman from Lewiston, Mr. Jalbert, whether it is formally or informally, I will go to him personally. And if every individual of the House went to him personally it would be a great imposition for him, and in my opinion a waste of his time. So I would like to hear him address the House formally or informally.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Lewiston, Mr. Jalbert and the gentleman from Bath, Mr. Ross have hit the nail on the head. One of the reasons we are here in special session is to discuss the energy crisis, fabricated or real. One of the things I read, and I am sure the gentleman from Lewiston was referring to it, in the Boston Globe this morning is an article that appears, for example, on the front page that deals

with oil firm's worlds profits soared in 1973. And they particularly deal with one oil company in particular, Gulf Oil, which reported that a sixty per cent jump in worldwide profits, even though their total sales only went up by 5.9 per cent. That is a most interesting way of doing business. And I think all of us or all of you that are in business would like to be in that type of situation. One of the things that we have a problem with is grasping with the situation, and trying to find a way to solve and to work and to deal with the problem. I think if we were to invite Mr. Wilson in, it would be an opportunity for us to get information. But I think maybe what we could all consider is the possibility of a special Energy Committee that could be appointed in terms of working out details; in terms of working out and even perhaps listening to the bills that deal with the situation. I do think that something has to be done and it has to be done soon. The American people have now become totally cynical about the energy crisis. And many of them are now saying to me, "Why should I drive my car slow, because I know I can get the gas anyway?" Of course, we in Aroostook are in a little better situation than most. If we get cut off we can go to Canada and buy it. And it makes it a little easier for us. And we can sit back and maybe laugh a little. And, of course, the other thing which has helped us in Aroostook, or at least the energy crisis has done for us, is that it equalized, at least for the first time in my memory, gasoline prices. We in Aroostook always paid six cents or so more per gallon than anyone else in the State of Maine. And now we pay the same price. We, at least in my own area, we pay the same for gas in my hometown as we now pay in Augusta. And this is a recent development. And I can remember over the years many members of the Aroostook Delegation introducing bills in the sessions, during the regular legislative session, trying to get information as to why that was so. And never really getting anywhere; just being told that was the cost of transportation. So I do fully agree and subscribe to the remarks of the gentleman from Bath and the gentleman from Lewiston; that somehow we, as leadership and as a legislative body, have to find a way to

try to bring this issue to the public attention. And I am sure it is, in a sense, because of the prices they are paying, and somehow trying to resolve in our own mind as to whether or not there is indeed a crisis.

Mr. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I believe we could probably stand here all morning and there would be 151 people stand on this floor and give you 151 different thoughts as to what the problems are in the country relative to the oil crisis.

I, personally, have my own personal convictions. And I think I feel very strongly within my heart what the oil companies are doing to this country and the predicament we are in. But I also would like to maybe defend a few things, too. I think we had a Congress that had the opportunity to act on an energy measure that instead adjourned. They also have been preoccupied with something else at a time when I think there are other matters just as important.

I have read the papers. And I have never really sat down and talked with Mr. Wilson. But I have read the papers relative to a good many of his remarks in this situation. I have read the paper relative to the remarks the Governor of this State has made relative to the energy crisis. I have sat in the Governor's office and discussed it with the joint leadership. I have discussed it in the Blaine House with him. And I think every one of us is still just as confused as we were when we were called into this Session to deal with some things called an energy crisis. I have yet to see at least one remark in the paper where Mr. Wilson has been able to get any information out of Washington that could even begin to convince him what the problem is himself.

I personally would oppose inviting him to appear before this body. If this body wants to adjourn and then have an open caucus as such, I would be very much in favor of it if he has something to lend to us. But I take a dim view on inviting department heads or bureau heads to ad-

dress this particular body unless I really felt that it was a measure or something that we needed, and needed, that we can't get out of the many hearings that are going to be held on bills relative to this one situation. And I think we have got a good number of bills relative to this situation. I think we should guard with caution the rights of this body as to who we invite in to address us. This is a privilege extended usually to the Governor, and to very darn few people. And I don't know as I am ready to extend it under these conditions.

Mr. LaCharite of Brunswick was granted unanimous consent to address the House.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I agree wholeheartedly with the gentleman from Lewiston, Mr. Jalbert; and I also agree with the gentleman from Standish, Mr. Simpson.

But I would like to tell you a story. As you may know, I was down South last week in Georgia and then in Florida. And I find it awful hard to come back to Maine, and force our people to turn down their thermostats and go without gas on Sunday, etc. Down there the air conditioners are going full blast; the lights of the shopping centers are on full beam; and I think that isn't quite right. Saturday evening I happened to be in Jacksonville, Florida and Governor Askew came on the TV, and he demanded that all service stations stay open on Sunday. He said it was too bad; he seemed to think the energy crisis was fabricated; and that the tourist industry in Florida wasn't up to its peak and, therefore, demanded that all service stations be open on Sunday. For these reasons I definitely think we ought to be looking into this. Something should be done. It is too bad for our own people who have families sixty, seventy, eighty miles away from where they live, to visit their parents, etc., can't travel on the day that they are accustomed to, on Sunday, and have to go without gas.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: You know, ever since I landed here on

January 2nd either we have had political caucuses in Room 228 or you have them here. Now, I want to commend you for the opposition party for taking over Room 228, because I guarantee you are going to have it next year. Let's settle that right there.

Now, the gentleman from Standish, Mr. Simpson brings in the fact that he was in the Governor's office and he didn't learn anything. He talked to Mr. Wilson; he didn't learn anything. They talked about the energy crisis in Washington and they didn't pass it. They adjourned. And they didn't pass anything. That was the fault of the Democratic party majority. And I will say it right here and now. They are in command.

The other little bauble, however, that he mentioned that they spent some time on, you are not going to palm that one off on us. You can have that one lock, stock and barrel, the whole of it.

Now, my argument is not one to set off any leadership. I am only mentioning it as a suggestion. I don't know what is going on in Washington. I don't even know what is going on in Maine. I know I have talked to Mr. Wilson. I know these halls are sacred. But I would like to tell the gentleman from Standish, Mr. Simpson, that we have allowed people to come through and down this aisle here other than the Governor in the last thirty years that I have been here over 150 times. Now, whatever you do, it is your business. But I want to tell you here and now, that if you have this man come in here and talk to you, formally or informally, you are going to learn something. And I am serious when I say that; without thinking of taking over any leadership, anything at all. Because if there is anything I don't want at this Special Session, it is any part to do with any leadership. You are going great, as you are now.

Mr. Brawn of Oakland was granted unanimous consent to address the House.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman has just testified here before you — has spoke before you — that in Florida they had plenty of gasoline. This is far from the truth. Last night at 10:30 I talked with my sister who has a hardware store and they have gasoline.

Disneyland, business has fallen way off. There isn't anyone there, hardly, so the governor said open up your stations on Sunday. They did open them up on Sunday; their gas tanks are empty. My sister told me last night they don't know when they will be able to get any more gas, so the Governor really hurt the peo-

ple of Florida. They are just as bad off as we are.

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(Off Record Remarks)

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On motion of Mr. Birt of East Millinocket,

Adjourned until eleven o'clock tomorrow morning.