

# 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 30, 1974

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

Prayer by Father Thomas Joyce of Augusta.

On motion of Mr. Birt of East Millinocket, Mr. Simpson of Standish was appointed Speaker pro tem in the absence of the Speaker.

The journal of yesterday was read and approved.

**Orders Out of Order**

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

ORDERED, that Bowman Riley and Keith Welch of Hallowell be appointed Honorary Pages for today.

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

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

ORDERED, that Rupert Schmied of Linz, Austria be appointed Honorary Page for today.

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

Mr. McMahon of Kennebunk presented the following Order and moved its passage:

ORDERED, that George Day and Michael Thyng of Kennebunk be appointed Honorary Pages 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 Sharon McGuire, Tony McGuire and Vicky Truman of Gardiner be appointed Honorary Pages for today.

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

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

Committee on Judiciary on Bill "An Act to Provide Investigators for the Several District Attorneys" (S. P. 809) (L. D. 2298) reporting Leave to Withdraw.

Same Committee reporting same on Bill "An Act Relating to Costs and Expenses of Investigation and Prosecution of Crimes" (S. P. 812) (L. D. 2302)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

The following Bill on its passage to be enacted was taken up out of order by unanimous consent:

An Act Providing Funds for Marine Research (H. P. 1768) (L. D. 2240) (S. "A" S-327)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, was ordered sent forthwith.

**Ought to Pass in New Draft**

Committee on State Government on Bill "An Act to Increase Membership on the Public Utilities Commission." (S. P. 778) (L. D. 2225) reporting "Ought to pass" in New Draft (S. P. 879) (L. D. 2455) under new title "An Act to Make Public Utilities Commissioners Full Time"

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

In the House, the report was read and accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

**Ought to Pass with  
Committee Amendment**

Committee on Natural Resources on Bill "An Act to Clarify the Powers of the Cobbossee Watershed District and Providing Funds for the Acquisition of Dams" (S. P. 781) (L. D. 2237) reporting "Ought to pass" as amended by Committee Amendment "A" (S-326)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-326) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

#### Messages and Documents

The following Communication:

State of Maine  
Office of the Governor  
Augusta

January 30, 1974

Honorable Members of the  
House of Representatives of  
the Maine State Legislature:

I am today sending you a supplemental listing of the 89 legislative documents embodying 235 recommendations of the Maine Management and Cost Survey. This compilation is intended to afford easy identification of these bills, the committee to which each has been referred, recommendations and subsequent legislative action.

Once again let me remind the Legislature of the tremendous investment made by the Business community in making these recommendations and the considerable time expended by Departments of State Government and the Implementation Staff in drafting the proposed legislation. Of the resulting bills, I have recommended only 15 for further study because of their potentially far-reaching and as yet undetermined effects. The remaining 74 bills represent considerable savings through increased efficiency in State Government. I urge the Legislature to enact these bills after full and fair consideration.

Some of the bills carry implementation appropriations. These costs reflect either the estimate of the Survey or the preliminary estimate of the particular departments. Each such appropriation should be subjected to careful cost benefit scrutiny by the Legislature.

Respectfully,  
(Signed) KENNETH M. CURTIS  
Governor

The Communication was read and ordered placed on file.

#### Petitions, Bills and Resolves Requiring Reference

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

#### Labor

Bill "An Act to Establish an Occupational Safety and Health Program for the State of Maine in Accordance with Federal Guidelines" (H. P. 1933) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

#### Legal Affairs

Resolve Reimbursing the Town of Wade for Welfare Expenditures in Behalf of a Nonsettled State Case (H. P. 1932) (Presented by Mr. Bragdon of Perham)

(Ordered Printed)

Sent up for concurrence.

On motion of Mr. Emery of Rockland, was ordered sent forthwith to the Senate.

#### State Government

Bill "An Act Authorizing Director of Public Improvements to Convey Land of the Department of Mental Health and Corrections" (H. P. 1931) (Presented by Mr. Sproul of Augusta)

(Ordered Printed)

Sent up for concurrence.

#### Orders

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage: (H. P. 1934)

ORDERED, the Senate concurring, that the Joint Rules be amended by amending the first paragraph of Joint Rule 1, to read as follows:

There shall be no more than 2021 Joint Standing Committees which shall be appointed as follows at the commencement of the session, viz:

- On Agriculture
- On Appropriations and Financial Affairs
- On Business Legislation
- On County Government
- On Education
- On Election Laws
- On Energy
- On Fisheries and Wildlife
- On Health and Institutional Services
- On Human Resources
- On Judiciary

On Labor  
 On Legal Affairs  
 On Liquor Control  
 On Marine Resources  
 On Natural Resources  
 On Public Utilities  
 On State Government  
 On Taxation  
 On Transportation  
 On Veterans and Retirement  
 The Order was read.

Thereupon, was tabled under the rules pending passage and tomorrow assigned.

Mr. Hoffses of Camden was granted unanimous consent to address the House.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: You have no doubt received literature from the Council of State Governments placed on your desks, also a yellow card for your benefit to sign and send back to its headquarters at Iron Works Pike, Lexington, Kentucky.

I would urge you to take note of these matters which have been placed on your desks. This is part of the service which the State of Maine is paying its dues to the Council of State Governments for. They are available for the benefit of each and every one of the legislators, and I would hope that you would take advantage of this matter and that you would fill out the card and send it back to headquarters.

**Consent Calendar**

**First Day**

(H. P. 1769) (L. D. 2241) Bill "An Act to Authorize County Commissioners of Aroostook County to Use 1974 Federal Revenue Sharing Funds for Court System and Jail" — Committee on County Government reporting "Ought to pass"

(S. P. 782) (L. D. 2238) Bill "An Act Providing an Enforcement Provision for the Police Training Law" — Committee on State Government reporting "Ought to pass"

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

**Consent Calendar**

**Second Day**

(H. P. 1800) (L. D. 2281) Bill "An Act Permitting the Supreme Judicial Court to Modify the Rules of Evidence"

On the request of Mr. Morton of Farmington, was removed from the Consent Calendar.

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

**Passed to Be Engrossed**

Bill "An Act to Implement the Federal Aid Safer Roads Demonstration Program and to Make Additional Allocations from the General Highway Fund" (S. P. 878) (L. D. 2443)

Bill "An Act Exempting Certain Sales through Coin-operated Vending Machines from the Sales Tax" (S. P. 753) (L. D. 2163)

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

Bill "An Act to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting" (H. P. 1915) (L. D. 2444)

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

Mr. Kelley of Southport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-657) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate. (Later reconsidered)

On motion of Mr. Brawn of Oakland, the House reconsidered its action whereby Bill "An Act to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting," House Paper 1915, L. D. 2444, was passed to be engrossed as amended.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I did not understand that this bill had been engrossed. I thought this was only in the second reading.

What I would like to say is, today we have before us another piece of legislation which is taking away from us many

of our rights. If we continue to be stripped of our rights, to tell us what kind of clothes we are going to wear, what color clothes we are going to wear, what size gun we are going to wear, what size shot we are going to wear, we are not going to have any freedom left.

I would like to take you back to the time of the Bible when David slew Goliath. He had a slingshot with one pebble. That pebble was the size of a slug in a 12 gauge shotgun. What do you think would happen if David had had 89 pellets the size of No. 2 and shot them at Goliath? He would have been killed, and you know it and I know it. We wouldn't have had the good story in the Bible that we have today. And when a man stands up and tells me that one pebble won't kill more than 89, I don't believe it.

I have here with me this morning three shells. This here is a magnum shell, 12 gauge. This shell here, which is all this much shorter, is a 12 gauge standard shotgun. This one here is a 16 gauge. This one here has 9 pellets in it; this one has 15. This one has a half a gram more powder than this one.

Now, going to David and Goliath, if Goliath had been shot with this one here, with .00 buckshot, he never would have known what hit him at a hundred yards. But if he had been shot at a hundred yards with this one, he probably could have walked away.

I am asking that you don't pass any such a law as this is here this morning, and I shall ask for indefinite postponement of the bill, and when the vote is taken, I hope it will be taken by the yeas and nays, because many of my people have contacted me and they don't want any more restrictive legislation.

I talked with a gentleman this morning, Mr. Kelley, and he tells me that many of these houses they are hunting near are 100 feet. I think you better check the law and find out how near you can hunt to a built-up section. I think the wardens had better get on their job. There is no need of this. And if you cannot see this house because it is so foggy, then you shouldn't be out there anyway. I hope that you never change this law.

The SPEAKER in reply: The pending question is on the motion of the gentleman from Oakland, Mr. Brawn, that this

Bill and all accompanying papers be indefinitely postponed.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I, too, am one who doesn't mind being the bad guy when I sincerely feel I am right.

Perhaps we are unfortunate living down in Hancock County and bordering on Washington County, but we have a good many tidal waters that are sort of inlets, and around the edges of those tidal waters grow suckers and grasses and moss and so forth, and the little deer like to go out and eat it. You pass that bill and a fellow gets to those places in a boat, he is going to be subjected to having his shells looked at to see whether he has got buckshot or whether he has got No. 2 shot or whatever he has got.

I can't understand why we should be passing a bill in emergency legislation, which is a parochial bill, and the word parochial means small and narrow, which means only a small bunch of men who hunt ducks in a certain area and they are the ones who want this No. 2 shot. I didn't realize that people up in my district that I am going to seek votes from, I hope before the year is too far advanced, have already called me and said, "What are we going to do if we want to go from Blue Hill over to Long Island and hunt deer? Are we going to be subjected to the warden stopping us and looking to see what we have got for shells in our pockets? Are we going to hunt those deer with rifles? Are we going to be told that we can't carry buckshot over there and use the shotguns like we have in the past on Long Island?" This is ridiculous, folks. Just think it over. All you are doing is legislating away your rights to a department already now that can stop you from saving your farm if a stream overflows by putting a moat out around it.

The SPEAKER in reply: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I wish to oppose the motion now before us for indefinite postponement of this bill, and I think I can answer some of the questions that have just been asked.

Within two days there has been

circulated a very simple but yet complicated folder that came on your desks with a page showing some very basic ballistics.

The history on L. D. 2444 on shot size. In the regular session, I introduced legislation to bar the use of BB's and buckshot for all hunting in Maine. There were three major reasons for this proposal. The first one was human safety. The second one was to reduce crippling losses, and the third one was the public relations problem of people who don't like to get their houses shot up with buckshot and BB's.

In committee, the bill was redrafted to apply to waterfowl hunting only. Many states bar BB's and buckshot for all hunting. More states have this limitation for waterfowl hunting only. Incidentally, this bill leaves the deer and bear hunter who uses a shotgun, the most effective load—the rifle slug or ball.

We enacted this legislation and the Governor signed it. You will find it on page 75, Chapter 335 of Public Laws enacted by the 106th. R.S.T. 12, Section 2458 as amended. This would be the proper place to have had the original bill in the law book.

There is a different section, section 2352, that refers to migratory waterfowl. I felt that this law should be more properly under this section, and to accomplish this, it was necessary to repeal the law and to reenact it with the proper reference in its title. This we attempted to do in the Errors and Inconsistency Bill.

In the closing hours of the regular session, the other body amended out this section, feeling that it should not be properly in the Errors and Inconsistency Bill, and did not realize that we had just passed the basic law. In committee of conference, it was agreed to leave it as it had just been passed. Through mechanical error, the repealer was not taken out. This is why the law is back before the special session.

The bill that we have before us today is further amended to apply only to the tidewater areas of the state. Best estimates are that over 75 percent or more of the waterfowl are killed in this area and by not having this concept apply in the inland areas, deer hunters using buckshot would not have to leave

their buckshot shells on a stump while they shot ducks in a pond and could have buckshot with them if they were jump shooting with a canoe or boat.

If you will look at the chart that I have prepared, you will get an idea of shotgun loads and ranges suitable for waterfowl hunting. Most waterfowl hunters agree that a gun and load capable of clean kills should be used and everything possible should be done to have as few cripples as possible. Birds may be taken at ranges greater than these recommended, but not consistently.

BB's are not recommended because they are soft rather than chilled shot, and No. 2 shot will consistently kill further than BB's because of denser patterns and better penetration.

Why is this legislation desirable? First off, human safety; second, to cut down on crippling; and third, the public relations with the people around us.

This bill, on the safety thing, if you will look at the list on the way outside, right-hand edge, it will show that No. 2 shot maximum range is 990 feet. This is as far as the Association of Ammunition Manufacturers claim that No. 2 shot will travel. It makes no difference whether it is out of a 20 gauge or a 10 gauge. When you get to BB's, they will travel 1,140 feet. When you get to No. 4 buck, you are getting 1,420 feet, and in the reproduction of this paper, I think it was so set up that it only shows 180 feet for 00-buck. That is supposed to be 1,800. And on the federal shotgun writeup that I have copies of in my pocket, it shows that 00-buckshot will travel 2,244 feet, maximum range.

We do have the complete endorsement of the safety officer of the Fish and Game Department for this bill, Gary Anderson, who is an experienced waterfowler who hunts the coast a great deal, also Ron Nason, who is curator of the Merrymeeting Waterfowl Museum down in Brunswick and an experienced waterfowler and guide, and most people who are waterfowl hunters recognize the desirability of this legislation which is in effect in most of the waterfowl states. I hope you will vote to kill the indefinite postponement.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: In the regular session of the 105th, we spent about a week on whether we should use a 2-cell or 3-cell flashlight hunting coon. That possibly is all right in a regular session, but in a special session I cannot see the emergency here on this bill. I hope you will go along with the gentleman from Oakland, Mr. Brawn.

The SPEAKER pro tem: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: Over in my area, I live on the coast, and we have quite a lot of duck hunters there. Most of those duck hunters don't favor this bill; they are opposed to it. They say you have got to have a warden coming up examining your shells. Now you have to have a plug you have to have examined now and you have got shells to be examined, what kind you are going to use for duck hunting. Also, they are talking about cripples. Most of these people hunt with dogs, and these fellows who hunt with dogs don't have any problem getting the cripples. So I would oppose this bill and would go with Mr. Brawn.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Oakland, Mr. Brawn, that Bill "An Act to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting," House Paper 1915, L.D. 2444, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA -- Albert, Baker, Berry, G. W.; Berube, Bither, Boudreau, Bragdon, Brawn, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cressey, Crommett, Curran, Dam, Davis, Dow, Drigotas, Dudley, Dunn,

Dyar, Emery, D. F.; Evans, Farley, Farnham, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hancock, Haskell, Herrick, Hobbins, Hoffses, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaPointe, LeBlanc, Littlefield, Lynch, MacLeod, Mahany, Martin, McCormick, McHenry, McMahon, McNally, Merrill, Morin, L.; Morton, Mulkern, Murchison, Murray, Norris, Pontbriand, Ricker, Rolde, Rollins, Ross, Santoro, Shute, Silverman, Snowe, Sproul, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Twitchell, Tyndale, Webber, Wheeler, Whitzell, Willard, Wood, M. E.

NAY -- Berry, P. P.; Birt, Briggs, Cottrell, Curtis, T. S., Jr.; Dunleavy, Huber, Jackson, Kelley, R. P.; Lewis, E.; Lewis, J.; Maddox, Maxwell, McKernan, McTeague, Mills, Palmer, Parks, Pratt, Shaw, Smith, S.; Soulas, Walker.

ABSENT -- Ault, Binnette, Brown, Connolly, Deshaies, Donaghy, Farrington, Faucher, Good, Greenlaw, Hamblen, LaCharite, Lawry, Morin, V.; Najarian, O'Brien, Perkins, Peterson, Sheltra, Simpson, L. E.; Smith, D. M.; Stillings, White.

Yes, 104; No, 23; Absent, 23.

The SPEAKER pro tem: One hundred four having voted in the affirmative and twenty-three in the negative, with twenty-three being absent, the motion does prevail.

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

Mr. BRAWN: Mr. Speaker, I now ask for reconsideration and I plead you all vote against me.

The SPEAKER pro tem: The gentleman from Oakland, Mr. Brawn, moves that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

#### Passed to Be Enacted Emergency Measure

An Act to Encourage Maine Students at Graduate Schools to Become Physi-



cians and Dentists (S. P. 824) (L. D. 2336) (S. "A" S-320)

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. 112 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Order Out of Order

Mr. Hobbins of Saco presented the following Order and moved its passage:

ORDERED, that Timothy Crowley, IV, George Dragoumanos and Peter Boucouvalas of Saco be appointed Honorary Pages for today.

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

#### Passed to Be Enacted

An Act Relating to the Inspection and Licensing of Motor Vehicle Racing (H. P. 1722) (L. D. 2115)

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

#### Enactor

##### Tabled and Assigned

An Act Relating to Absentee Voting by Persons Convicted of Felonies (H. P. 1781) (L. D. 2253) (H. "A" H-636)

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and specially assigned for Friday, February 1.)

#### Orders of the Day

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

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

Tabled—January 28, by Mr. Simpson of Standish.

Pending—Motion of Mr. Carter of Winslow to reconsider whereby the Bill was indefinitely postponed.

On motion of Mr. Birt of East

Millinocket, retabled pending the motion of Mr. Carter of Winslow to reconsider and specially assigned for Friday, February 1.

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

Bill "An Act Providing Emergency Funds for Staffing a Fuel Allocation Office Within the Bureau of Civil Defense for the Fiscal Year Ending June 30, 1974" (S. P. 834) (L. D. 2366) Emergency.

Tabled—January 28, by Mr. Martin of Eagle Lake

Pending --Motion of Mr. Martin of Eagle Lake for a roll call on final enactment

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

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

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

#### ROLL CALL

YEA — Albert, Baker, Berry, P. P.; Birt, Boudreau, Bragdon, Briggs, Brown, Bunker, Bustin, Camneron, Carey, Carrier, Carter, Chonko, Clark, Conley, Cooney, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Dow, Drigotas, Dudley, Dunleavy, Emery, D. F.; Farley, Farrington, Faucher, Fecteau, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Herrick, Hobbins, Huber, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaPointe, Lawry, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Mills, Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer,

Peterson, Pontbriand, Rolde, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Soulas, Stillings, Susi, Theriault, Tierney, Twitchell, Tyndale, Webber, Wheeler, White, Whitzell.

NAY — Berry, G. W.; Berube, Bither, Brawn, Chick, Churchill, Cote, Deshaies, Dunn, Dyar, Farnham, Ferris, Finemore, Flynn, Hoffses, Hunter, Immonen, Lewis, J.; Littlefield, McCormick, Merrill, Morin, L.; Parks, Perkins, Pratt, Rollins, Ross, Sproul, Strout, Talbot, Tanguay, Trask, Trumbull, Walker, Willard, Wood, M. E.

ABSENT — Ault, Binnette, Connolly, Donaghy, Evans, Gauthier, Hamblen, LaCharite, Morin, V.; Ricker, Sheltra, Smith, D. M.

Yes, 102; No. 36; Absent, 12.

The SPEAKER pro tem: One hundred two having voted in the affirmative and thirty-six in the negative, with twelve being absent, the motion does prevail.

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

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

Bill "An Act to Clarify Certain Municipal Laws" (H. P. 1920) (L. D. 2452) (H. "A" H-656) Emergency

Tabled—January 29, by Mr. Farley of Biddeford

Pending—Passage to be engrossed

Mr. McMahon of Biddeford offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-658) was read by the Clerk.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: This, again, is a small amendment which merely clarifies another municipal law. As Chairman of the Committee on Legal Affairs, I move its passage.

Thereupon, House Amendment "B" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "B" and sent to the Senate.

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

Bill "An Act Relating to Liability of Natural Gas Distributors" (S. P. 710) (L. D. 2122) (S. "A" S-325) (H "A" H-646)

Tabled—January 29, by Mrs. White of Guilford

Pending—Passage to be enacted.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I now move for indefinite postponement of this bill and all accompanying papers. This is the same bill, with a few variations, including a proposed amendment, that we had before us approximately six months ago. It was thoroughly debated at that time and thoroughly rejected by this House. It imposes absolute liability on a utility, a gas company.

Absolute liability. This means that regardless of the circumstances, no matter what happens or how it happens, the gas company is responsible. This philosophy is no more acceptable to me now than it was six months ago. No person, no firm, no business should have to operate or try to operate with this yoke around their neck. This means that you are guilty before the benefit of trial, a concept which is totally contrary to the American system of justice that presumes a person innocent until proven guilty. This is simply not fair.

A week or so ago I read in the Portland Press Herald about a dwelling in Benton, Maine, that was completely destroyed in a violent explosion. Luckily no one was hurt, but the home was totally destroyed. Fire officials determined that gasoline vapors in the cellar, either from a leak in a storage can or lawnmower, or something of that nature, was the cause of the explosion. Now if absolute liability were in force, the gasoline manufacturer would be held liable. This is absolutely ridiculous.

If we are to impose absolute liability on one public utility, why not the others? Electricity is certainly as dangerous as manufactured gas or natural gas. If you electrocute yourself in your own home through your own negligence, is this the fault of the light company? If a child drowns in a bathtub, is this the fault of the water company? This bill, this philosophy would make it so, and this is wrong.

There are no corrective measures in this bill; they are entirely punitive. This bill solves nothing.

I know that we will hear that people have been killed by gas explosions in the past few years, and this is very very tragic, but so are automobile fatalities. Hundreds of people are killed annually right here in Maine for various reasons — speeding, drunken driving or intersection accidents. Is this the fault of the automobile? It would be with absolute liability. How would anyone here like to operate a business under these conditions? You could not, nor can a public utility.

I talked with the President of Northern Utilities, which in this case is the gas company, last Thursday, and he told me — and I believe him — that if this bill goes through, he is finished for all practical purposes. It will be almost impossible for him to obtain financing for new construction or up-grading existing facilities. Who wants to loan money to a firm that will be driven to bankruptcy through law suits? And how about insurance, provided he can buy it? The rates under absolute liability would skyrocket, and this cost would in turn be passed on to the consumer. Ladies and gentlemen of the House, I submit the consumer has problems enough with the rising cost of heating oil without adding to this burden.

The sponsor of this bill should consider that there is more than the cities of Auburn and Lewiston at stake here. Northern Utilities serves Portland, South Portland, Cape Elizabeth and, yes, Westbrook, and a few commercial accounts in York County. I am certain these communities are not eager to pay additional costs for their utilities.

I would hope this House would look favorably on my motion to indefinitely postpone this bill as we did six months ago.

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

MR. DYAR: Mr. Speaker and Members of the House: I would like to concur with the statement just made. I think in the average mind when you mention gas, in the context, the average consumer would have the same connotation for natural gas as it would l.p. gas. I am

quite sure you will find that several people in the state have been killed by l.p. gas explosions in the past several years. I think you will find that several people in the State of Maine have been killed by oil burner explosions in the past few years.

I would like to cite to you an example that I was involved in two weeks ago Sunday. I received a call at nine o'clock in the morning from the daughter of a customer who said their trailer was full of l.p. gas fumes. The owner of the trailer resides in Connecticut and comes to Maine about every other week-end. I made the service call, entered the trailer, and the trailer was full of l.p. gas fumes. What had happened in this particular case, the customer was conscious of the energy crisis. In order to conserve fuel he had blown the pilot out in the oven of his stove.

Now, if this lady had gone in that trailer that morning, and it is a small trailer, with a lighted cigarette, or there had been a faulty electrical switch and that gas had ignited, I can tell you right now she would no longer be with us.

But under this piece of legislation, if this bill pertained to l.p. gas, I would have been liable for that explosion. And I am quite sure when the State Fire Marshal came in to check the cause of that explosion, he would not lay it to the pilot light because the explosion would have blown out the pilot light.

I can cite another case. A year ago a gentleman was out Saturday night. Five o'clock Sunday morning he had to get up. His trailer was cold, he turned on the oven, accomplished the mission of what he got up for and went back to bed. Approximately seven o'clock he got up. The trailer was still cold. He went to the oven and lit a match. Fortunately, he was not killed. The trailer was split wide open, glass blown out. But here again, under this type of law I would have been liable.

I think it is an imposition to place such restrictions upon any individual in the State of Maine. And I am sorry I have to use a personal example to cite what could happen. But once this gets established in the natural gas industry, l.p. gas will be next. The oil dealers will be hit after that. The gentleman from Westbrook has stated possibly the public utilities involved in water and electrici-

ty. So, hopefully this morning you will go along with indefinite postponement of this bill and allow the people in Maine to remain innocent until proven guilty.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that this bill, L. D. 2122, has an amendment on it. May I ask the Clerk if that is correct; that House Amendment "A" is on the bill?

The CLERK: House Amendment "A" is on the bill.

Mr. McTEAGUE: Thank you.

The SPEAKER pro tem: Under Filing Number H-646.

Mr. McTEAGUE: I would like to take a moment to read to the members of the House the bill as it now stands with House Amendment "A" on it.

It says: "A natural gas company or a natural gas pipe line company which distributes natural gas shall be held strictly liable for death or injury of persons or damage to property resulting from an explosion or fire caused by natural gas, unless said explosion or fire was the result of a separate intervening cause pleaded by said company as an affirmative defense and demonstrated by clear and convincing evidence."

I think that the point made by the gentleman from Strong, Mr. Dyar, would have validity if the amendment were not on the bill. I think in essence what the bill does as amended, it doesn't say that the gas company is responsible for every explosion and fire involving gas. It says, rather, that if there is proof that natural gas was the cause of the fire or the explosion; then rather than the homeowner, maybe injured, had his house blown up, or maybe dead in some cases in the State of Maine, having to try to prove what happened; that it is fairer to let the expert, to let the gas company come forward with the evidence. And if it shows that a man put the pilot light out, stuck his head in the gas range and lit a match, the company is not liable.

But let's look at it the other way, let's look at it the way it is now. A house is blown up; people are injured or killed. The evidence is, if you will, destroyed. And the natural gas company says, "You prove what happened." It is diffi-

cult for anyone, a small individual or a large company, to prove what happened when the evidence has been, perhaps, blown sky-high and scattered about. So it is a genuine problem. And ask yourself this question, is it fairer or more just and equitable to put that difficult burden of proving what actually happened on the individual homeowner who has no expertise in the field of gas or fires or explosions, or, is it fairer and more rational to say to the gas company, "you are responsible when the fire or explosion or fire was caused by natural gas, unless you, with your expertise, with your engineers, with your knowledge in the field, you can show what happened?"

Now I think the situation would be quite different in the case of a distributor of l.p. gas. Not only is it a different product. but the manufactured gas is sold by many merchants in town who perhaps they know something about it, but don't have any great technical expertise and engineering staff. My impression, though, is that Northern Utilities, the firm that is involved in the area of natural gas in the State of Maine, is in a very difficult position. They have asked in the past, and they have come into the State of Maine, as I understand it, at least in some communities, they are using old, antiquated sixty and eighty year old lines. Any explosion is one too many. But we have many too many in this area. They have asked to come into our State to provide a service and to make money doing it. There is nothing at all wrong with that. But is it so unreasonable for us to say to them, If there is an explosion, if there is a fire, and it does involve natural gas, that you are the experts, and if you say that it isn't your fault, you come forward with the evidence as to who has the fault.

Well, Mr. Speaker, as is the right of any individual or company in our society, this bill has had the advantage, or disadvantage, really, of being opposed by some very competent legislative counsel, some good friends of mine, as a matter of fact, some members of my party. Obviously, I speak as one individual. I also speak as a member from a town that does not have natural gas. Mr. Deshaies and I are members of the same party. We happen to differ on this bill.

And I think it should be very clear it has nothing to do with party, either in this House or among the Legislative Counsel in its representation.

There was a fact sheet passed out — I would say something called a fact sheet passed out by Mr. Deshaies today. You have it on your desk. I would ask you to take a look at that sheet. And I guess we are all prone to label our own point of view, our own opinion of fact. But let's see what the facts are and how factual this sheet is which has been handed out. Let's test it.

Number 1, the statement is that this bill is unnecessary because during the regular session of this legislature we enacted a law dealing with defective or unreasonably dangerous products, and so on. That is true. We did enact a law. I have the law here in front of me. I think if you read the law, which is Chapter 466 of the Public Laws from the regular session, you will see that it applies to goods or products in a defective condition. And a person has to sell them. Now, the case would often be that it is not the gas that is defective, but, rather, it is the pipelines that are defective. But the natural gas companies don't sell you the pipelines, they sell you the gas.

The only thing I could say about this fact number one set forth on the fact sheet is, it is a rather strange argument. They say in the first instance you should defeat this bill because it is already the law anyway. I say that is not the case. I say that is an attempt — I am certain inadvertent — that would result in misleading information in this legislation. They don't sell you the pipelines; they sell you the natural gas. And if we go through the various other allegations or Statements of Fact, depending on your point of view, in this fact sheet handed out to us today, you see that all of them, in my mind, have a little inaccuracy; there is something else that should be said, and fairly and rationally explain the situation.

And then we have the final argument, that basically, if such legislation is passed the company will go out of business, rates will be unduly high, and that actually that it is an anti-consumer position to take this attitude. I think it would be very interesting to take a survey of the residents of some of the streets

where these explosions occurred and ask them if they think this is an anti-consumer measure or not.

It has been suggested that the idea of strict liability is unknown in our country; that it is un-American. I suggest that is not the case. Ordinarily, it is the exception to the rule. The general rule is that a person who is injured or has his property destroyed must show exactly what happened before he can recover. But the law does recognize, and there are numerous circumstances where, due to the unique factual pattern, we have changed the law, and that certainly should apply here. When you have an explosion the evidence is gone. This is not like an automobile crash where you have another witness, where you and I both know how to drive cars. But we don't know what makes for natural gas explosions. The gas company knows that better.

I would suggest that over 30 states in this country have the rule of strict liability in cases involving extremely dangerous instrumentalities. Certainly, natural gas qualifies in that. The case involved is *Rylons vs. Fletcher*. It is an old English case. By the way, England and Canada also follow this view. And Maine is really the exception, not the rule. Maine is one of the seven American states, under a case decided by our Supreme Court in 1950, which does not follow the rule of strict liability when dealing with unusually dangerous substances.

So the attempt on the fact sheet to tell you that you don't need this law because it is already on the books just isn't the case.

The allegations that the company will go out of business, I certainly am not qualified to pass upon. However, I think that if particular figures were brought before this House and we were told, our insurance bill last year was \$50,000. If this bill passes, it will be \$5 million.

Here is a letter from an underwriter, a specialist in the insurance business. Those would be facts. And if we were told that, we might have the information on which to make the judgment as to whether it was better to let the current situation with the injuries involved continue and keep the source of energy. We might be able to balance. But the pro-

blem, ladies and gentlemen, with the fact sheet is we are not given facts; we are given scare tactics as an attempt to try to take advantage of the energy crisis and so on here.

One of the facts at least presented I know is not the case. I would ask you to judge the credibility of some of the other alleged facts, or really opinions presented. Ask yourself this question, if it was a fact that these rates would go up so high and the company would go out of business, and instead of having a "fact sheet" on our desk, why don't we have a copy of a letter from a well-known insurance underwriting firm in Boston or New York? They say you can't get insurance with this strict liability. What about the 30 American states where strict liability exists?

It is possible that if we keep this bill alive that the people who favor killing it will come forward with those hard facts. And if they do, and if they convince you, then perhaps the bill should be indefinitely postponed. But if, on the other hand, you go ahead and you kill this bill based on whim, based on claims not on facts, I think you will encourage the type of representation here in this legislature and by certain legislative counsels that should not for the integrity of this legislature be allowed to prevail.

Mr. Speaker, when the vote is taken on the pending motion, I would ask for a roll call.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: No member of the legal profession has approached me on this subject of this particular bill. As a matter of fact, I am not always persuaded by their eloquence. But even with this amendment this bill is absolute liability. A company is forced to go to court and prove their innocence. Now, I want you to bear in mind that this does not just only apply to large companies, but also to the very many distributors we have in the State of Maine. I, too, am interested in protecting our consumers, but not to the point of discriminating against all small businessmen and businesswomen who choose to work in a particular field and I strongly favor indefinite postponement.

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

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur, as a member of the Judiciary Committee who signed the majority "ought to pass" report, with the remarks of the gentleman from Brunswick, Mr. McTeague. What he has said to you is absolutely correct. I, too, have been looking at this so-called fact sheet, and not one single statement on this fact sheet can stand unrefuted. It is full of holes. And there seems to be a lot of misconception on the part of members of the House as to what actually is going on here.

Now I have spoken with the sponsor of this bill. And I would like to read the amendment that is being proposed in the other body. It says, "The escape of natural gas from the natural gas distribution system resulting in damage to property by fire or explosion or injury to person by fire or explosion or inhalation shall give rise to a rebuttable presumption of negligent conduct on the part of the distributors of natural gas." Now the words "absolute liability" and "strict liability" are being bandied about. And I think the people who are using the words would have us believe that automatically when there is an explosion the gas company is at fault. That is simply not the case. It simply requires the gas company, after being sued for negligence, to prove that it wasn't negligent. And as Mr. McTeague has told you, the gas company is the one with the engineers. The gas company is the one with the money. The gas company is the place that has the easier time of proving such a thing than does the innocent consumer.

I would also like to point out that we are talking about natural gas, not manufactured gas. There is a great deal of difference. Manufactured gas is the type of gas that is used predominantly throughout the State. Natural gas is only used in a few selected localities; among them — I presume one was Westbrook because Mr. Deshaies says so; but I know for a fact, according to the sponsor, the City of Lewiston uses natural gas.

Now, natural gas is uniquely dangerous for several reasons. One, it is

lethal and highly explosive. Secondly, the systems that are employing natural gas are old gas systems. Many of them were built in the 1800's. Currently, natural gas dries out. Manufactured gas is a wet gas. Because of the fact that natural gas dries out, there is an enormous potential for leaks in the pipes. It cringes the pipes together causing gaps and holes in the joints, and in manufactured gas that is not the case because it swells the pipes up, tightens them so that these leaks can't occur quite so easily.

I would also like to point out that the four people who died in these explosions, whose homes were blown up as a result of these natural gas seepages, neither one of them was a user of this utility — not one single person. This gas seeped up through the sewer system, in one instance in the case where the fellow had taken the sewer cap off in the spring so he could get a little flooding out of his cellar. The gas seeped right through. He wasn't even a user of this utility. It blew him and his house up, and nobody could prove anything because the burden of proof was on him and all the evidence was gone. He didn't have any engineers. He didn't have any experts. He didn't have anybody to prove that he was in the right and the gas company was in the wrong. As a result of that, the gas company gets off the hook.

Well, it seems to me when we are talking about experts that have all of the facilities at their disposal to prove their innocence, if innocent they be, that the burden should be upon them to do so, not upon the innocent consumer. Natural gas is so lethal it could blow this building a hundred feet into the air and everybody with it.

I earnestly hope that you will support the majority "ought to pass" report.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: My seatmate mentioned facts. Is it fair to automatically blame the gas company if the housewife blows out the pilot light? Now, no state in New England imposes strict liability on a utility, and that is a fact.

I am fairly familiar with the amend-

ment, and it does not change absolute liability. Now a lot has been said here this morning and last week about two incidents within the past five years in Lewiston, and how these dwellings that were destroyed were not near or connected to the gas mains at the time of the explosion.

Mr. McMahon of Kennebunk asked a question last week about a similar incident in South Portland about six or seven years ago. Well, I am thoroughly familiar with one incident in Lewiston, and that's a fact. I was personally involved. The PUC ordered a full investigation by an independent out-of-state engineering firm and that report proved conclusively that the gas company had not acted in a negligent manner, nor had they done or failed to do anything that could have caused this explosion. Yet, in the absence of conclusive evidence of negligence, restitution was made by the gas company in both the Lewiston incident as well as the South Portland incident, without the necessity of court action. They did not require absolute liability to meet their obligations.

Now the sponsor of this bill knows this. Yet we are being asked to impose a condition that no business, no person can operate under. The PUC is watching this company very carefully, and if they are negligent they should pay like anyone else and they have. But they should not be judged before they are proven negligent; this is only fair. You and I would expect the same treatment, and there is no reason why this firm should be treated differently.

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: There has been a little confusion in this row as to whether House "A" and Senate "A" were on the bill. I want to make sure I understand that. Is House "A" and Senate "A" both on the bill?

The CLERK: Both are on the bill.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I certainly would be in deep water up here if I was attempting to argue with these lawyers. I realize that I look at something written in the English language and I don't look

at it through the eyes of a lawyer. But with House Amendment "A" on it, I think once in a while it doesn't do us any harm to read one of these bills. This is a pretty short one. Here is what it says with House Amendment "A", and this is all it says: "A natural gas company or natural gas pipeline company which distributes natural gas shall be held strictly liable for death or injury to person or damage to property resulting from explosion or fire caused by natural gas."

Now the escape clause was removed by House Amendment "A". I don't know, this to me, as a layman, tells me that they can't even go to court and defend themselves. It seems to me that it is an absolutely unworkable piece of legislation, and I am not even sure it is constitutional.

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

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

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to at least attempt to clear up some of the controversy over House Amendment "A". I think it does appear to be a little confusing because of the way it reads. I want to say first that this amendment was put on at the request of the gas companies. It does not prohibit gas companies from going into court and proving intervening causes.

Now if you look at the wording that was taken out of the bill which says that they may go into court and prove intervening causes but they have to prove the intervening causes by a clear and convincing evidence, this is what the gas companies objected to, because that was putting an increased burden on them than a person who normally does who has the burden of persuasion, and that is the preponderance of the evidence.

Now according to the Legislative Council for the gas companies, without

this amendment they will still have the ability to go in and prove that someone else was at fault, that is inherent in the strict liability concept. The only difference that this amendment makes is that they will only have to prove it by a preponderance of the evidence instead of the greater burden of clear and convincing evidence. So in effect, the amendment was put on to help the gas companies and to say that they didn't have to have an extra burden in addition to having the burden of proof, that they would be able to prove by solely a preponderance of the evidence that someone else was at fault or there was an intervening cause and therefore they should not be held liable.

I hope that clears it up a little anyway.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up one impression that was left by a prior speaker as to saying that this bill in the general session was resoundingly defeated in this body. It was defeated by a narrow margin of nine votes. If you want to check that figure, you can look at roll call 194.

It would seem to me that if you put the burden of proof on the consumer, the little guy who we are sent up here to represent along with business, that we would give him a fair shake. And under the present law, he has the burden of proving that his equipment is faulty or that the pipes out in the streets are faulty. He does not have the economic means to prove this. He does not have the technical knowledge nor the expertise at hand to prove this. The gas companies do. I just think this is inherently unfair. The burden should be on the gas companies to prove an intervening cause, and that is all that the House Amendment does.

Now from personal knowledge, I know a family whose mother was blown out of the house. They have not lived in their own house for over a year; it was demolished. They have been living, luckily with relatives. They have not received one cent from the gas company. It has been well over a year, going on two years. Now isn't that an unbelievable burden to place on a family in this State



of Maine with the rising costs of inflation? How many of us, if our houses were blown up, could go out and could afford a motel, house our family? Who could do that?

Now another trick of these large companies is, of course, to drag these cases out. They have got the money; they ask for continuances. They won't make a settlement in hopes that the little fellow, the consumer will dry up, that his resources will finally dry up and he will drop the case. I think this is an improper tactic, but it is one that we can not do anything about. But I do think that we should give serious consideration to this bill and that we should vote against the motion to indefinitely postpone.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Deshaies, that Bill "An Act Relating to Liability of Natural Gas Distributors," Senate Paper 710, L. D. 2122, be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carrier, Carter, Chick, Churchill, Conley, Cote, Cressey, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Dudley, Dyar, Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Fraser, Garsoe, Good, Hancock, Haskell, Herrick, Hewes, Hofses, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, McCormick, McNally, Merrill, Morton, Murchison, Norris, Parks, Perkins, Pratt, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Soulas, Sproul, Strout, Susi, Theriault, Trask, Trumbull, Twitchell, Tyndale, White, Willard, Wood, M. E.

NAY — Albert, Baker, Berry, P. P.; Berube, Boudreau, Bustin, Carey, Chonko, Clark, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Drigotas, Dunleavy, Dunn, Emery, D.

F.; Farley, Faucher, Fecteau, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jacques, Kilroy, Knight, LaPointe, Lewis, J.; Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Mulkern, Murray, O'Brien, Palmer, Peterson, Pontbriand, Ricker, Rolde, Smith, S.; Snowe, Stillings, Talbot, Tierney, Walker, Webber, Wheeler, Whitzell.

ABSENT — Ault, Briggs, Hamblen, LaCharite, Morin, V.; Najarian, Sheltra, Simpson, L. E.; Smith, D. M.; Tanguay. Yes, 81; No, 60; Absent, 10.

The SPEAKER pro tem: Eighty-one having voted in the affirmative and sixty in the negative, with ten being absent, the motion does prevail.

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

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

The SPEAKER pro tem: The gentleman from Westbrook, Mr. Deshaies, moves that the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 86 having voted in the negative, the motion did not prevail.

Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

SPEAKER HEWES: The Chair understands you did an excellent job and thanks the gentleman.

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

On motion of Mr. Birt of East Millinocket,

Adjourned until nine-thirty o'clock tomorrow morning.