

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

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

Kennebec Journal
Augusta, Maine

HOUSE

Monday, March 11, 1974

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

Prayer by the Rev. Richard Woehr of Hampden.

The members stood at attention during the playing of the National Anthem by the Hampden Academy Band.

The Journal of the previous session was read and approved.

Orders Out of Order

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

ORDERED, that Debra Forrest of Winterport, James Cote of Newburgh, Susan Chapman and Charles Colson of Hampden be appointed Honorary Pages for today.

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

Mrs. Morin of Old Orchard Beach presented the following Order and moved its passage:

ORDERED, that Steve Lerette and Glendon Newcombe of Hallowell be appointed Honorary Pages for today.

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

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 930)

ORDERED, the House concurring, that the Joint Standing Committee on Marine Resources report out a bill to establish a moratorium on the issuance of lobster and crab fishing licenses.

Came from the Senate read and passed.

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

Reports of Committees**Ought Not to Pass**

Committee on Appropriations and Financial Affairs on Bill "An Act Providing Appropriations and Allocations to Implement Various Recommendations of the Maine Management and Cost Survey

Commission Report" (S. P. 835) (L. D. 2376) reporting "Ought not to pass"

Same Committee reporting same on Bill "An Act Repealing the Budget Laws Providing for Work Programs and Allotments" (S. P. 881) (L. D. 2467)

Came from the Senate with the Reports placed in the legislative files.

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

Ought to Pass with Committee Amendment

Committee on Veterans and Retirement on Bill "An Act Providing Minimum Retirement Benefits for Certain Teachers" (S. P. 787) (L. D. 2267) Emergency, reporting "Ought to pass" as amended by Committee Amendment "A" (S-383).

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-383) 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
ONE HUNDRED AND SIXTH
LEGISLATURE
COMMITTEE ON AGRICULTURE

March 8, 1974

Honorable Richard D. Hewes

Speaker of the House

State House

Augusta, Maine

Dear Speaker Hewes:

The Committee on Agriculture is pleased to report the completion of all business placed before it by the First Special Session of the 106th Legislature.

Total number of bills received in committee 5

Ought to pass 2

Ought to pass as amended 1

Divided reports 2

Sincerely,

Signed:

LEE E. EVANS
House Chairman

The Communication was read and ordered placed on file.

The following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA

March 8, 1974

The Honorable Richard D. Hewes
Speaker, House of Representatives
State House

Augusta, Maine 04330

Dear Speaker Hewes:

The Committee on Human Resources is pleased to report that it has completed all business placed before it by the 106th Special Session of the Maine Legislature.

Bills received in Committee	4
Leave to Withdraw	1
Ought to Pass	1
Ought to Pass as Amended	1
Ought to Pass, New Draft	1
Signed:	

DAVID R. AULT
House Chairman

The Communication was read and ordered placed on file.

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

WHEREAS, the history of interscholastic athletics was rocked on March 9, 1974 at the Youth Center, as the Lewiston Blue Devils reasserted superiority in Maine Tournament hockey; and

WHEREAS, the skill and intrepidity of this club in terminating the Panther dynasty since 1968 has commanded the admonition and applause of countless followers; and

WHEREAS, this achievement records special honors to Coach Donia Girard, Jr., and the giant Blue Devils of Lewiston Comprehensive High School and paves the way for even greater achievement at the New England High School playoffs; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the great and sovereign State of Maine, now assembled in special legislative session, take this opportunity to proclaim the

City of Lewiston as the High School Hockey Capital of Maine for 1974 and recognize and honor this outstanding hockey club, its coach and its enthusiastic supporters for their accomplishments in the field of sports and wish them continued success in bringing honor to their community, school and state at the New England Tournament; and be it further

ORDERED, that duly attested copies of this order be transmitted forthwith to the Principal and coach of Lewiston Comprehensive High School in token of the sentiments expressed herein. (H. P. 2029)

The Order was read.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I think the people of Lewiston have something to take extreme pride in, the boys that were out there in the last game that was played on Saturday afternoon, the game that was placed before that last Tuesday. While Waterville may have the best team season-long, we have lost three games out of seven to Lewiston over the past two years. Four of those games were regular season games and meant absolutely nothing. The three games that we did lose were the playoff game last year in the New England and the two title games this year which meant quite a bit. It just means that we were outplayed and outthustled, and I think the gentleman from Lewiston has a right to take pride in his team.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Waterville, Mr. Carey, speaks like a true gentleman. I went home with him the other night when Waterville was playing another team, St. Dom's, who has a pretty good team. He said that he would give me three points. St. Dom's proceeded to lose 10 to 0, so somewhere along the line there was a little lack of kindness there, but I think Waterville should be complimented. I don't want to crow too far ahead of time because they are also in the New England tournament

and they might meet head on again. I hope they do.

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

Order Out of Order

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

From the Senate: The following Joint Order: (S. P. 932)

ORDERED, the House concurring, that the Education Committee is directed to report out a bill concerning the interim service of school board members during reapportionment.

Came from the Senate read and passed.

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

Orders

On motion of Mr. Simpson of Standish, the House reconsidered its action whereby it voted to recede and concur on Bill "An Act Establishing the Office of Energy Resources," Senate Paper 832, L. D. 2375.

On further motion of the same gentleman, tabled pending the motion to recede and concur and specially assigned for Wednesday, March 13.

House Reports of Committees Ought to Pass in New Draft New Drafts Printed

Mr. Norris from Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Appropriations from the General Fund for the current Fiscal Year Ending June 30, 1974, Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, and the State Lottery Commission and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government" (H. P. 1813) (L. D. 2294) Emergency, reporting "Ought to pass" in New Draft (H. P. 2028) (L. D. 2569) Emergency under same title.

Mr. Carter from Committee on Appropriations and Financial Affairs on Bill "An Act Adjusting State Employees Pay" (H. P. 1724) (L. D. 2168) reporting "Ought to pass" in New Draft (H. P.

2022) (L. D. 2565) Emergency under new title "An Act Advancing the Effective Date of the Pay Adjustment for State, Maine Maritime Academy and Classified University of Maine Employees"

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

Divided Report

Later Today Assigned

Report "A" from the Committee on Labor on Bill "An Act to Increase the Minimum Wage" (H. P. 1801) (L. D. 2321) reporting "Ought to pass" with Committee Amendment "A" (H-744)

Report was signed by the following members:

Mr. KELLEY of Aroostook
-of the Senate.

Messrs. BINNETTE of Old Town
HOBBINS of Saco
McHENRY of Madawaska
FARLEY of Biddeford

Mrs. CHONKO of Topsham
-of the House.

Report "B" of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "B" (H-745)

Report was signed by the following members:

Mr. TANOUS of Penobscot
-of the Senate.

Messrs. McNALLY of Ellsworth
FLYNN of South Portland
ROLLINS of Dixfield
-of the House.

Report "C" of same Committee on same bill reporting "Ought not to pass"

Mr. HUBER of Knox
-of the Senate.

Messrs. BROWN of Augusta
GARSOE of Cumberland
-of the House.

Reports were read.

(On motion of Mr. Simpson of Standish, tabled pending acceptance of any report and later today assigned.)

Divided Report

Majority Report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution to Establish a Legislative Compensation Commission (H. P. 1929)

(L. D. 2464) reporting "Ought to pass" in New Draft (H. P. 2023) (L. D. 2566) in new title "An Act Establishing the Legislative Compensation Commission"

Report was signed by the following members:

Messrs. SPEERS of Kennebec
CLIFFORD of Androscoggin
— of the Senate.

Mrs. GOODWIN of Bath
NAJARIAN of Portland

Messrs. GAHAGAN of Caribou
STILLINGS of Berwick
COONEY of Sabattus
BUSTIN of Augusta
CURTIS of Orono

— of the House.

Minority Report of same Committee on same Resolution reporting "Ought not to pass"

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.

Messrs. CROMMETT of Millinocket
FARNHAM of Hampden
SILVERMAN of Calais

— of the House.

Reports were read.

On motion of Mr. Curtis of Orono, the Majority "Ought to pass" Report was accepted.

The New Draft was read once and assigned for second reading tomorrow.

Divided Report

Later Today Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act Authorizing a Study of Maine's Forest Products Industry" (H. P. 1952) (L. D. 2498) reporting "Ought to pass" in New Draft (H. P. 2026) (L. D. 2567) under new title "An Act Authorizing a Study of Maine's Forest Resources and of Opportunities for their Better Utilization"

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Mr. MARCOTTE of York

— of the Senate.

Messrs. PALMER of Nobleboro
MacLEOD of Bar Harbor
BRIGGS of Caribou
HERRICK of Harmony
CURRAN of Bangor

ROLDE of York
HUBER of Falmouth
PETERSON of Windham
BERUBE of Lewiston

— of the House.

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

Report was signed by the following member:

Mr. SMITH of Exeter

— of the House.

Reports were read.

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

Mr. MacLEOD: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" in New Draft.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. MacLeod of Bar Harbor to accept the Majority "Ought to pass" Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on Taxation on Bill "An Act to Provide a Maine Homestead Property Tax Exemption Law" (H. P. 1680) (L. D. 2073) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
COX of Penobscot
FORTIER of Oxford

— of the Senate.

Messrs. SUSI of Pittsfield
COTTRELL of Portland
IMMONEN of West Paris
MERRILL of Bowdoinham
MORTON of Farmington

— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" in New Draft (H. P. 2027) (L. D. 2568) under same title.

Report was signed by the following members:

Messrs. DRIGOTAS of Auburn
FINEMORE of Bridgewater
MAXWELL of Jay
DOW of West Gardiner
DAM of Skowhegan

— of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Susi to accept the Majority "Ought not to pass" Report and later today assigned.

Order Out of Order

Mr. Jalbert of Lewiston presented the following Joint Resolution and moved its adoption:

WHEREAS, France is a remarkable land with remarkable people, a leader for centuries in art, literature, social manners, fashion and the refined enjoyment of living; and

WHEREAS, the Batiment de Soutien Logistique, RHONE, a 300-foot logistical support ship of our far distant neighbor to the east is currently on maneuvers in the North Atlantic; and

WHEREAS, the B.S.L. RHONE, under the command of Captain Phillipe Clochard, 10 officers and a crew of 125 petty officers and enlisted men, will reach Portland on Thursday, March 14, 1974 at 9:00 a.m. for an unofficial visit and brief rest period; and

WHEREAS, as a courtesy to the people of Maine, this magnificent vessel will be open for public viewing on Saturday and Sunday, March 16th and 17th from 2:00 p.m. to 4:30 p.m. at the Maine State Pier on Commercial Street; now, therefore, be it

RESOLVED: That we, the Members of the Senate and House of Representatives in the first special session of the One Hundred and Sixth Legislature of this great and sovereign State of Maine, join to greet Captain Clochard and the members of his crew and to extend to them a sincere legislative welcome, as well as that of the citizens of our State, and in extending our hand in welcome, we are looking forward to this brief visit with Captain Clochard and his crew and sincerely hope they will have a pleasant visit with us here in the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution be prepared and duly authenticated by the Secretary of State for presentation to Captain Clochard and

his crew in honor of the occasion and that said copies of this resolution be transmitted to the local representative of the Commandant of the First U.S. Naval District for delivery to the RHONE. (H. P. 2030)

The Resolution was received out of order by unanimous consent, read and adopted and sent up for concurrence.

Consent Calendar

First Day

(S. P. 802) (L. D. 2296) Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers" — Committee on Labor reporting "Ought to pass"

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

Passed to Be Engrossed

Bill, "An Act to Amend the Industrialized Housing Law" (S. P. 927) (L. D. 2558)

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

Mr. Curtis of Orono offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-746) was read by the Clerk and adopted.

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

Second Reader

Tabled and Assigned

Bill, "An Act Allowing Incorporated Civic Organizations to Apply for a Liquor License for One Event Per Year" (S. P. 923) (L. D. 2555) (S. "A" S-384)

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

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

Bill, "An Act Relating to Minimum Warranty Standard for Mobile Homes" (H. P. 2019) (L. D. 2562) Emergency

Bill, "An Act Relating to Representation of School Administrative Districts" (H. P. 2020) (L. D. 2563) Emergency

Resolution Proposing an Amendment to the Constitution of Maine to Provide that Equal Protection of the Laws shall not be Denied or Abridged on Account of Sex (H. P. 2018) (L. D. 2561)

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

Passed to Be Enacted

An Act Relating to Pilots for the Port of Portland. (H. P. 2007) (L. D. 2550) (H. "A" H-731)

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 item of Unfinished Business:

Bill "An Act Relating to School Buses" (S. P. 722) (L. D. 2134) (C. "A" S-349) (S. "B" S-366)

Tabled — March 5, by Mr. Martin of Eagle Lake

Pending — Passage to be engrossed.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I move that we reconsider our action whereby we adopted Senate Amendment "B" to Senate Paper 722, L. D. 2134.

The SPEAKER: The gentleman from Portland, Mr. Mulkern, moves that the House reconsider its action whereby Senate Amendment "B" was adopted.

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

Mr. FLYNN: Mr. Speaker, Ladies and Gentlemen of the House: I move not to reconsider our action on this L. D. 2134. This bill was written over with the State Police helping out, and they feel it is a very good bill for the City of South Portland and Portland the way it is written.

The requirement of flashing red lights would not only be confusing to regular passengers of the transit district buses, but it would also be confusing to all the motorists approaching or following such buses. It would mean that every single intersection where a transit bus

carrying school children stopped to pick up regular passengers, all traffic would have to stop in both directions. In a busy metropolitan center such as the City of Portland, this could cause absolute difficulty to picture transit buses, all of which come into Portland on major arterials stopping at every bus stop, thus holding up traffic.

The framers of this bill, desirous of having Maine's school buses conform to recently established federal standards, have not thought through the difficulties that requiring transit buses to have similar coloring and light signals could cause. The federal government does not require this marking of public transit buses carrying both school children and regular passengers. The Portland City Council has voted unanimously to request that the Transit District buses, which will be the occasional transporters of school children, should be exempt from this act, and request that such an exemption be written into L. D. 2134 which Senate Amendment "B" does.

Did you know the City of South Portland and Portland have been transporting their children by this method since the middle of 1930's. There has never been an accident nor a child struck getting on or off these buses. Also, these bus drivers, before they are allowed to take on a bus, they have to go and take a three or four day course in bus driving and they have to also have a complete physical examination before they are hired by the company.

We feel, both the cities of South Portland and Portland feel that to pass this bill the way it is with Senate Amendment "B" on it would be just what would be required for the Cities of Portland and South Portland.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: The amendment presented attached to this L. D. exempts transit districts from having to comply with any of the safety factors in L. D. 2134. This includes such factors as posting conspicuous school bus signs on the front and rear of such buses, adequate mirror provision, mandatory speeding and carrying of fire

extinguisher. Also, it does not comply with Section 2013 of the bill, which is the requirement for school bus operators; 2016, school bus stopping at railroad crossings; 2017, school bus inspections.

I realize the transit district does comply with many of the requirements. so I can't see any reason why they would fear having this part of the law. I guess most of the representatives from the greater Portland area presently would rather be representatives from Timbuktu or somewhere we have such disagreement going on.

The one thing that would be very expensive for the transit district, and we are willing to amend that out, that is, they would not have to paint the buses yellow. And if you will go along with reconsidering our action, the amendment will be offered that will exempt painting the buses yellow. I hope you will go along with the motion.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I think the Representative from Portland, Mr. Mulkern, is asking for reconsideration so that we can indefinitely postpone the amendment that is on this bill. This amendment would exempt close to 5,000 from all the safety provisions of this bill.

The Department of Educational and Cultural Services presently pays the Portland Transit District \$160,000 a year to transport school children. This is over 60 percent of their revenue, and they are not willing to comply with any of the safety provisions in this bill, not the mandatory seating, not anything. They want to be excluded. And the best argument that they have come up with is that this is an inconvenience to the Transit District, and not for economic reasons.

As for the flashing lights, I would just like to say that the cities of Chicago and New York have flashing lights on school buses, and they have traffic problems that Portland has never dreamed of. All the kids are picked up — any child that lives within a mile of the school is not transported by bus. This is mainly in the suburbs of Portland where traffic is lighter and where speeds are higher and

the potential for danger is much greater. The only times the flashing lights would be used within the City of Portland Proper is when the bus reached the schools.

I must say, as Mrs. Boudreau has pointed out, we have been caught in the middle. Our City council wants this amendment but the Portland School Committee does not. I don't think that the City Council has made a very good argument for exempting the school department's Transit District from all the safety provisions of this bill, and I hope you will support the motion for reconsideration.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make one correction for the record. The good lady from Portland, Mrs. Najarian, says that the Portland City Council had voted in favor of this amendment and the School Committee, and it is the other way around. The School Committee voted five to one, with one abstaining, in favor of this amendment, and the Portland City Council voted against it.

I would like to give a further explanation of the reason for my proposing the indefinite postponement of this amendment and the adoption of my amendment. The purpose of L.D. 2134 is to bring our school bus regulations in conformity with federal highway program Standard No. 17, entitled Public Transportation, Pupil Transportation Safety. I quote from a bulletin that was given to me by members of the school committee relative to the requirements of the Standard No. 17, and they say the following:

"1. Transit vehicles operated by public or privately owned local transit systems and used for regular common carrier transit service as well as special school route service need not be painted 'National School Bus Glossy Yellow.' Similarly, the bumpers of these vehicles need not be painted black." The amendment that I will propose will take care of this problem.

"2. Transit vehicles operating as

common carriers are not subject to Standard No. 17 requirements." My amendment will also take care of that problem.

The situation that we have is that according to Standard No. 17, the flashing safety lights would have to be used on these vehicles, but vehicles would not have to be painted school bus glossy yellow. This is the only change that my amendment makes. It goes back to the original bill and crosses off the words "the date of September 1, 1977." That is the only change it makes.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Now that everybody is thoroughly confused, I don't want to confuse anybody anymore, but I would try to explain some of the things that have happened.

The gentleman from Portland, Mr. Mulkern, has stated that the school transportation committee has voted 5, 2 and 1, I believe, for his amendment. The amendment that he is talking about is the amendment that he will offer if we reconsider. The same school committee had voted the same way against the amendment that is on the bill at the present time, the one that has been put on by a member of the Senate. This is the amendment that we want to take off. This bill only pertains to the Cities of Portland and South Portland and its Transit District. This Transit District carries children in Portland and South Portland.

The Portland Safety School Committee supports this bill and it is also supported by some 4,000 families. They have been working on this particular bill for over two years. It has also been supported by the Maine State Police, by the Department of Transportation, by the school committee, by the Department of Education. It is something that we really feel is definitely needed.

What we are trying to do is get you to reconsider so that we may kill this amendment that is on there now, because the amendment that is on there now takes away all the safety precautions under the bill — it removes

all the safety precautions under the bill now, and it would really take the guts out of the bill. We would like for you to reconsider that so that we could put our own amendment on the bill that will exempt the Transit District from painting the school buses yellow.

I would certainly hope that you would go along with the gentleman from Portland, Mr. Mulkern, in his action. I also feel that the majority of the legislators from the City of Portland also feel that same way, so I do hope that you follow the gentleman from Portland's advice.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess that is just exactly what has happened to me this morning. The more I hear the people from Portland talk, they have got me even more confused.

As I read the particular Senate Amendment that is on the bill right now, I think it very vividly points out, it says — I will read it to you. It says, "School buses which are operated by mass transit authority or are operated by a motor carrier holding a certificate of public conveyance from the Public Utilities Commission and meet all safety standards of the Commission."

Seems to me that there are enough safety standards built into this thing. I have heard one person say that the lights are going to be used completely at all times they are transporting children. Somebody else said that the lights are only going to be used at such time in the city proper, when they are close to the schools. It would seem to me that you can't have your cake and eat it too, that if you have got standards here that we have got to have, that either the lights should be operated at all times or not at all. They either should be classified as school buses or not classified as school buses. I don't know, I am still confused as to just exactly where we are going with this amendment and the old.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I suppose I

thoroughly confused everybody, but I will try to clarify a few things.

Senate Amendment "B" takes out the language of the bill in section 2020, the language which says "while transporting school children shall comply with all of the requirements of school buses, except that they shall be exempted from the vehicle color requirements until September 1, 1977."

What Senate Amendment "B" does is this. This amendment would allow mass transit vehicles currently transporting children to schools along with other passengers where necessary in large cities to continue this practice without causing confusion to motorists and passengers. In other words, there would be no flashing red lights, and they would have to paint the buses yellow by 1977. This is the current amendment that is on the bill right now, and this is the one that I want to change.

The amendment that I would put on would say the vehicles would not have to be painted yellow at any time, but that they would have to have the flashing red lights, and that is as simple as that. That is all there is to it.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: The requirements of the Public Utilities Commission are not the same as the requirements of this bill. The amendment that the Representative from Portland, Mr. Mulkern, is trying to take off, what that amendment presently says is that Portland Transit District on those buses that are used exclusively for transporting school children will be exempt from all the provisions of this bill.

Now, one of those is mandatory seating, and the Portland Transit District has been known to carry as many as 115 school children on a bus that seats only 56, and the kids have been so cramped and suffocated that when the bus stops they open the windows and jump out. Other times they have been known to carry 85 on the bus that seats a maximum of 56.

As for the flashing lights and inconveniencing motorists, the

Department of Transportation and the Department of Education and the Department of Public Safety have all said that they will go in and work with the Portland police in establishing bus routes for the least inconvenience to motorists.

I only mean to say as a practical matter in the City of Portland proper itself, flashing lights would not be used until the bus has reached the school and unloads children, because the buses do not have to stop within a mile of the school for picking up children or unloading them.

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

Mr. FLYNN: Mr. Speaker, Ladies and Gentlemen of the House: It is just that I would like to make an issue here on the flashing red lights. The other morning, Friday, when I was heading up here, I got behind the regular bus and the school bus which usually goes right behind it. If that bus — a lot of times the kids don't bother with the regular school bus, they get on the bus with the older people that are going through. If that bus had flashing red lights, I would have stopped nine times within a mile, and it would take me about fifteen minutes to get that mile or maybe longer, because it stopped at every single street along the way and I believe there were twelve streets between where I come out and down at Cottage Road where the kids get off and walk across to school. It will cause a great inconvenience to drivers, motorists.

As I said before we have never had an accident the way things are now. No kid has ever been struck. I feel it should be left alone, the way it is now.

The SPEAKER: The Chair recognizes the gentlelady from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I believe the amendment that the gentleman from Standish, Mr. Simpson, was quoting from is not the amendment we are considering right now. We were talking about Senate Amendment "B" and I will read, it says, "Shall be exempt from the provisions of this chapter." This includes all the safety features. We

are willing that it should not be painted yellow, but we would like the other features in.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the two ladies from Portland, and I would also like to concur with the gentleman from Portland, Mr. Mulkern. As it stands now with the amendment that we are trying to get off the bill, as it stands now, any driver can pass a bus, that particular bus from the Portland Transit District, kill a child, and his defense will be, "I did not have to stop by law," and he doesn't have to stop by law. We don't care about having the bus painted yellow, but we do care about having the flashing red lights on that particular bus. This could be done in several different ways. They can be put on, they can have flashing red lights either be put on and taken off or put on permanently and covered up. This will be no problem. It has been no problem. There has been some work done in this area. The Maine State Police, I believe, have told the safety committee, school safety committee that they will come into Portland and map out the routes so there will be no inconvenience for the City of Portland or South Portland.

When the vote is taken, I ask for a division. When the vote is taken, I am going to press my button in favor of the motion. And if the gentleman in the right hand corner follows the guiding light, he will do also.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Mulkern that the House reconsider its action whereby it adopted Senate Amendment "A". All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

63 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

Mr. Mulkern of Portland moved indefinite postponement of Senate Amendment "B".

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: Again, the reason for my motion for the indefinite postponement of Senate Amendment "B" is for the purpose of presenting House Amendment "A" which, as I say, will correct the problem that we see in this bill. It will remove the date of exemption of the vehicle color and will allow us to have the flashing red lights. So I would move for the indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Mulkern that Senate Amendment "B" be indefinitely postponed.

A vote of the House was taken.

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

Mr. Mulkern of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-741) was read by the Clerk.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I am committed to vote along with our delegation, but I think it is only fair that you should understand why the council voted unanimously against this procedure and why there was a split vote in the committee. I think it is only fair that their side should be presented, as everyone that has spoken said it has been a difficult position for all of us.

Now, as I understand it, there are two reasons why the City Council voted why they did. One of them was economic. They have a \$491,000 deficit as their support of the transit system. They will have another one of \$290,000 next year and the argument against this was that that the safety record of buses of this nature was very high, in fact, higher than the regular school bus.

There is a bill that they have in here which would ask for an appropriation of \$200,000, which would give them \$2 million, and that would help the City of Portland and the property taxpayer in the City of Portland, which they are very concerned about, and it would also give

them money to follow all of the restrictions of the transit authorities.

I just thought I would mention that. I am going to vote with Mr. Mulkern and the rest of the delegation.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Reading over this amendment, I see where they don't intend to do much until September 1, 1977. I think that is a long ways off. I don't think it is right to prolong such a thing as that, because I think anything we can do for the safety of our children getting on or off or riding the school buses we should do our utmost to make every effort we can for their own safety. I don't think that we should let this go until 1977, that is waiting quite a while. There could be a lot of things happen in that time. I would like to have more of an explanation on that.

Mr. Mulkern of Portland was granted permission to speak a third time.

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I suppose I have created some confusion here with the good gentleman from Old Town, Mr. Binnette. The only thing that my amendment does with respect to the original bill, if you take a look at page five of the original bill, Section 2020, it says "Exception, school buses which are operated by a mass transit authority or operated by a motor carrier holding a certificate of public convenience from the Public Utilities Commission while transporting school children shall comply with all of the requirements of school buses, except that they shall be exempted from the vehicle color requirements until September 1, 1977." All House Amendment "A" does to the bill is to take off the date September 1, 1977, so we are not even considering September 1, 1977 in this amendment. This is deleted from the bill so that what we then have, the only requirement that the Portland Transit buses would not have to comply with under this bill would be the color requirement. They would have to conform to all of the other regulations.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Thank you, Mr. Mulkern. I still wish that they would have left in that coloring system just the same.

The SPEAKER: The pending question is the adoption of House Amendment "A". The Chair will order a vote. All in favor of the adoption of House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities" (S. P. 737) (L. D. 2149) (C. "B" S-374)

Tabled—March 6, by Mr. McTeague of Brunswick

Pending—Passage to be engrossed.

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

The Chair laid before the House the third item of Unfinished Business:

Bill "An Act to Transfer Authority for Watercraft Registration and Safety to Commissioner of Inland Fisheries and Game" (H. P. 1987) (L. D. 2531)

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

Pending—Final enactment.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to oppose final enactment of this bill today for a variety of reasons. Nevertheless, I cannot sit here and let a piece of legislation be enacted which I feel accomplishes nothing and, in fact, creates some problems, regardless of the fact that it is a Maine Management and Cost Survey recommendation.

The Bureau of Watercraft

Registration and Safety is presently responsible to the two Commissioners of the Inland Fish and Game and Marine Resources Departments. The function of the Bureau is that of registering boats and implementing measures for safe boating. A portion of the registration revenues are appropriated to each department. The enforcement of registration and safety laws is accomplished by wardens of the two departments in their respective jurisdictions. The two Commissioners and the Director of the Bureau are in complete agreement that the present arrangement is most satisfactory to all concerned and that it is an efficient operation.

The Cost Survey recommends combining the registration function of the Inland Fish and Game licensing section with the Snowmobile Registration and Watercraft Registration. Last year we passed a law requiring all boats with outboard engines less than 10 h.p. to be registered. As a result of that the Director now estimates that the volume of registrations will double.

While it is quite true that the original bill was redrafted before the public hearing and supported by the two Commissioners and the Director of the Bureau, it is my feeling that their testimony was in the spirit of trying to cooperate and support Cost Survey recommendations.

My greatest concern with this bill is that it primarily gives regulation-making authority over all boats licensed in the State of Maine to the Commissioner of the Inland Fish and Game. There have been statements attributed to the Maine Management and Cost Survey members that some departments are quote "empire-building". This particular recommendation and bill fosters that concept in the name of cost savings and efficiency. While it is quite clear that the Bureau serves the interests of two departments of State Government, and while it appears that no cost savings or increased efficiency would accrue, and while the present working arrangements seems to be satisfactory to all parties, it seems unnecessary to enact a law which

is not needed and which might create problems in the future.

I, therefore, move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Stonington moves the indefinite postponement of this bill and all accompanying papers.

The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: I have no great personal interest bill actually I wouldn't care whether the Watercraft Registration was put under the umbrella of the Fish and Game Dept., the State Police or even the secretarial pool. However, the Longley people recommended that it be placed in the Department of Fish and Game. They made this recommendation for several reasons.

The Division of Watercraft Registration is a floating division operating all by itself located right next to the Division of Snowsled Registration, which is under the Fish and Game and they both have problems. The Snowsled Registration Division has to employ several extra girls in the rush season of winter to handle the work of registration snowsleds, and they have to lay off these girls in the summer, while the Division of Watercraft Registration has to hire several extra girls in the summer to take care of boat registrations and then lay them off in the winter. Operating in harmony under one department these two divisions can employ a smaller number of personnel and keep them the year around. In this way they can keep their experienced workers and cut down on the terrific turn-over of employees and save the expense of training new personnel each year. No worker, however dedicated she may be, will wait around for a part time job when they can find permanent employment.

Operating under the present system, the Department of Fish and Game and the Department of Sea and Shore Fisheries receive funds from the Water Craft Registration Division for enforcement and administration under a guess-and-by-gorry method. Under this bill there is a mandatory disbursement

of funds, and that is, that all fees from Tidewater Watercraft Registrations go to the Sea and Shore Fisheries, and all fees from Inland Watercraft Registrations will stay within the Department of Fish and Game. I see in the future a division of licensing and registration within the department, thus streamlining the whole operation providing for a more efficient and smoother running unit stocked with experienced personnel who are well versed in all types of licensing and registration.

Although this is a little bill, I feel that this is one of the more practical recommendations of the Longley Report and one which the heads of the departments have not tried to sabotage.

At the hearing there was only one opponent, namely the gentleman from Stonington, Mr. Greenlaw.

I feel that Mr. Greenlaw thinks he is being loyal to the coastal community in opposing the idea of the Watercraft Registration being placed under the Fish and Game Department. He need have no fear of this. Tidewater Rules and Regulations are governed largely by the Coast Guard. All the division does is carry out these rules. Strangely enough there are many more inland watercraft than tidewater units. After the hearing I recalled to the podium the three people who are most heavily involved in this, namely; Mr. Spencer Apollonio, Commissioner of Sea and Shore Fisheries; Mr. Robert Johnson, Director of Watercraft Registration and Safety; Mr. Maynard Marsh, Commissioner Inland Fish and Game Department I asked them all this question: "Do you think that this is a practical bill, and do you agree with it?"

They all answered, Yes, I do."

I think this is a practical and sensible bill. And I think we should pass it and get along about our work.

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

Mr. CHURCHILL: Mr. Speaker, and Members of the House: I completely agree with the statement that Mr. Good has given and reasoning for this. Also, I would like to add that of the Inland Fisheries and Game there is 136 to 140

Inland Fisheries and Game offices that will enforce these regulations and check on the boat registration. Whereas, there are only 28 active Sea and Shore Fisheries wardens doing the same duty. Not only that, but there is approximately 40,000 watercraft, I was told, registered at this time. And with the new regulations there should be a great many more even, if possible, double the amount. It seemed only logical that the work lies within the Inland Fisheries and Game Department.

Also, as Mr. Good has stated, both Commissioners are in complete agreement. And I don't think that the Sea and Shore Fisheries is in any position to enforce these rules and regulations throughout our state. And will receive their proportionate share of money regardless of which department. And with the increase number of registrations coming up it seems only logical that the bulk of the work will lie within the Fish and Game Department. Also, if this department is merged it could be more readily taken care of, and also might not have to expand the Department of Watercraft Registration.

The SPEAKER: The Chair recognizes the gentleman from Addison, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: This is the first time since I have been here I have agreed with Representative Greenlaw. We have fought now for the last year over lobster bills. But I do want to concur with the indefinite postponement of this bill.

The SPEAKER: The pending question, is the motion of the gentleman from Stonington, Mr. Greenlaw, that the House indefinitely postpone L. D. 2351 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

37 having voted in the affirmative and 67 having voted in the negative, the motion did not 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 fourth item of Unfinished Business:

Bill, "An Act to Correct Errors and

Inconsistencies in the Fish and Game Laws" (S. P. 765) (L. D. 2196)

Tabled — March 6, by Mr. Mills of Eastport

Pending — Acceptance of the Committee Report ("Ought to pass" as amended by Committee Amendment "A" (S-372)

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps a few words of explanation on why the bill was tabled.

There was some question in regards to the funding of the Atlantic Sea Run Commission. That was the purpose of the tabling. Since then it has been clarified. The funding will be taken care of under a law that has been enacted under Chapter 697; it was approved February 21, 1974. That question having been resolved, it is to only understand that the Atlantic Sea Run Salmon Commission is funded from the General Appropriations of the State and cannot be funded from the dedicated funds of the Department of Fish and Game because it will not conform to the Federal Regulations which have the control over how much money will be spent on the restoration of the Atlantic Salmon in our water.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-372) was read by the Clerk and adopted in concurrence and the bill assigned for second reading tomorrow.

The Chair laid before the House the fifth item of Unfinished Business:

Joint Order (H. P. 2006) Pursuant to Adding Joint Rule 28

Tabled—March 6, by Mr. Palmer of Nobleboro

Pending—Passage

The SPEAKER: The Chair recognizes the gentleman from Nobleboro Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House:

Since I had this order distributed some time ago, since it has been some time since it was distributed, I want to read it to you before discussing it. "Ordered, the Senate concurring, that the Joint

Rules be amended by adding a new Joint Rule 28 to read as follows:

Measures rejected at regular session. No measure which has been introduced and finally rejected in the regular biennial session shall be introduced at any special session of the same Legislature except by vote of two-thirds of both Houses."

Now, since I had this idea about six weeks ago to put this Order in, I have passed it around to the members of the House and the Senate; I have had it researched some by the Attorney General's Department to see what problems there might be with it. I want to say, first of all, that this is a non-partisan effort on the part of one person to expedite the business of this State.

There have been two or three objections to this order. I want to recite those to you now and give my answers to them as best I can.

Number 1; some have said, "What does this do to the Governor and his right to give his message in the special call?" The answer is, nothing. It does not in any way impede the Governor in giving whatever message he wants to to a special session of the legislature or in calling for any legislation he may deem wise. However, it has been known and noted in other states that where this rule is in effect the Governor does pretty much abide by the rules of both branches of the legislative bodies.

Two; I have been told, and it is true that any rule that we make can not be binding on the next session of the legislature. But this is true of all the other joint rules. And the chances of this working are much better if it passes now than if it doesn't pass. So chances are that it would be adopted by succeeding legislatures if we in our wisdom see the way today.

Thirdly; I have been told that any minor change like changing an "i" to a "t" or a number from a 2 to a 3 or simple little change in a bill would, therefore, make it a new bill and the order would then be ineffective.

I want to call to your attention, Ladies and Gentlemen of this House, that we have a Reference of Bills Committee. We are talking here about the substance of a

bill. I am very sure and have confidence enough in the leadership of both parties that they know whether the substance has been changed or whether an "i" or a "t" or a 2 or a 3 has been changed. So let me say to you in these final words; there are two safety valves in this order.

One is the two-thirds vote of both branches. Everyday in this House and the Senate we muster a two-thirds non-partisan vote on many measures which are of importance to the people of the State of Maine. I am sure we can do it under this Order as it has been done in many other states.

Secondly; the key words in this order are the words "finally rejected." And I submit to you that where you have a legislature which has joint standing committees such as we have in Maine, when you finally reject you are really rejecting because both branches have participated not only in the passage or the nonpassage of the legislation but also in its consideration before the Committee.

Now, I submit to you today that this is our chance to give an answer to the people of the State of Maine. I think we are all well aware of the fact we are reading in the papers every day of how this legislature is stalling, about how long it is taking us to carry on our business. We have been criticized many, many ways by many, many people. This is our opportunity to say that we will not in the future consider measures in a special session which have had full and ample consideration during a regular session. It is our chance to improve Maine government to save the Maine taxpayers some money. I say today is a chance to face up to that challenge. Mr. Speaker, when the vote is taken I ask for a roll call.

Mr. Palmer of Nobleboro requested a roll call vote.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House I have a question to pose to the gentleman from Nobleboro, Mr. Palmer. I was wondering; any bills that go through the legislative process that require an appropriation; if a bill in the regular

session should go all the way through to final enactment and then end up on the Appropriations Table and is not funded, would this be a bill that could not be represented in the Special session?

The SPEAKER: The gentleman from Portland, Mr. Mulkern, poses a question through the Chair to the gentleman from Nobleboro, Mr. Palmer, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker and Members of the House: I would say that the bill had been finally rejected.

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

House Amendment "A" (H-734) was read by the Clerk.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment merely puts the date forward to the late end of the term of your office. I think we should not allow new rules that might tend to — some of you who might want to make moves the last end of the session that others have made prior to this date, such as amendments might change a bill substantially or be necessary to introduce new measures.

I think the order will do the same thing whereas we will be adopting this order in this session and the next legislature may or may not accept these rules that we are now operating under, which is their prerogative, as you know, and this is one move that we make at the beginning of each session. I see no reason why there should be any objections to this amendment.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The pending question now is the passage of Joint Order 2006 as amended by House Amendment "A".

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 Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Nobleboro and myself have discussed this order a number of times, and I am not sure if he will be happy with the position I am going to take. I guess I am going to vote against it, because in part I am not sure that I want to restrict the next legislature into accepting the rule that we are going to be imposing.

As you well know, the next legislature will be adopting its rules by majority vote at the beginning of the first legislative day of the next legislature. And of course, what happens at that point is something which we just have to wait and see. With the amendment that has now been inserted on the order introduced by the gentleman from China, Mr. Farrington, it says that this does not apply to us. And since we cannot bind the next legislature, whatever we do here today has absolutely no bearing on what we do during the next session. And since we are not going to take any action to do anything here this time, I am going to vote against final passage of this order.

The SPEAKER: A roll call has been ordered. The pending question is passage of Joint Order, House Paper 2006 as amended by House Amendment "A". All in favor of this Joint Order receiving passage will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dow, Dudley, Dyar, Evans, Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Garsoe, Good, Hamblen, Hoffses, Huber, Hunter, Immonen, Jacques, Kauffman, Kelley, Kelley, R. P.; Knight, Lawry, Lewis, E.; Léwis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahon, Merrill, Morin, L.; Morton, Palmer, Parks, Perkins, Pratt, Rollins, Ross,

Shaw, Shute, Simpson, L. E.; Smith, D. M.; Snowe, Sproul, Stillings, Trask, Trumbull, Walker, Webber, White, Willard, Wood, M. E.; The Speaker.

NAY — Berry, P. P.; Boudreau, Briggs, Brown, Bustin, Carter, Chonko, Clark, Connolly, Cooney, Cote, Crommett, Curran, Drigotas, Dunleavy, Emery, D. F.; Farley, Faucher, Fraser, Gahagan, Gauthier, Genest, Goodwin, K.; Greenlaw, Herrick, Hobbins, Jackson, Jalbert, Kelleher, Keyte, Kilroy, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Mills, Morin, V.; Mulkern, Murray, Najarian, Norris, O'Brien, Peterson, Ricker, Rolde, Santoro, Smith, S.; Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Twitchell, Tyndale, Wheeler.

ABSENT — Albert, Binnette, Bunker, Deshaies, Dunn, Goodwin, H.; Hancock, LaCharite, LaPointe, McNally, Murchison, Pontbriand, Sheltra, Silverman, Soulas, Whitzell.

Yes, 75; No, 59; Absent, 16.

The SPEAKER: Seventy-five having voted in the affirmative and fifty-nine in the negative, with sixteen being absent, this Order receives passage.

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

Mr. MARTIN: Mr. Speaker, under the rules, it takes a two-thirds vote, and under the rules this order does not receive passage.

The SPEAKER: The Chair thanks the gentleman.

(House at Ease)

The House was called to order by the Speaker.

The SPEAKER: The Chair has consulted with Miss Hary and others and is convinced that the majority vote is all that was required on the addition of the new joint rule, and the vote then, as announced, does stand. This Joint Order receives passage.

Sent up for concurrence.

The Chair laid before the House the sixth item of Unfinished Business:

Bill "An Act to Clarify Certain Administrative Aspects of the Saco River Corridor Commission (S. P. 826) (L. D. 2353) Emergency

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

Pending — Acceptance of any Report.

Report "A" "Ought to pass" as amended by Committee Amendment "A" (S-369)

Report "B" "Ought to pass" as amended by Committee Amendment "B" (S-370)

Report "C" "Ought not to pass"

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

Mr. MacLEOD: Mr. Speaker, I move the acceptance of the "Ought to pass" Report, Report B.

The SPEAKER: The gentleman from Bar Harbor, Mr. MacLeod, moves that the House accept Report B.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I would like to ask that you vote against this motion and perhaps we could accept the "ought not to pass" report.

I would like to move the indefinite postponement of this bill and all accompanying papers, please.

The SPEAKER: The Gentlewoman from Auburn, Mrs. Berube, moves the indefinite postponement of this Bill and all accompanying papers in non-concurrence.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to get this bill on its way and I thank you for your patience. It has been in and out of here. We have had a long session on it.

Just to brief you on the Saco River Corridor Commission, which was an honest request by a group of people to save a river, its environment and its future development. They came to us in the 105th Legislature with an outline and a setup to form a commission. At that time we felt it was too strong, too lengthy and too much power given to a group. We therefore sent them back with a small formation, a different format, and they came back in with a proposition that we could live with, we felt, and worked it over.

You have formed here in the 106th

Legislature a Saco River Corridor Commission which, again, is an endeavor and an attempt to keep a river the way they were meant to be and to zone the future development along the towns along this corridor. These folks have come back to us this time and there again I feel that they should have waited a little while, possibly lived with the formation of the Commission. They have asked for some changes within this document. If you were to look at it in your L. D. 's this afternoon, you will find it encompasses many pages. However, they have not asked for too many changes at this time, but a few of them, a few of us on the committee did not feel that we could live with. One of them is the fact that they have a fear that they are going to overrun with law suits up there on some of the rules that they will be making as they go along on their various zoning programs up and down the river.

We feel that we are building up here in Augusta a very tremendously large Attorney General's Department. I have no quarrel with lawyers, but I don't think that we can entwine every agency we set up here with the Attorney General's Department and therefore have these people coming in and having use to this at every beck and call. I stand corrected if I am wrong.

This is one part of Part B, the reason we didn't take Part A, because it contained this measure that they were able to use the Attorney General's Department.

We are offering further to this Report B, because in Report B there is a section which contains a part as to the laws written by the Department of Environmental Protection and somehow in the bill, through a request of the Attorney General, is that there be laws in that the folks on the river could use or the Commission could use that would be more stringent than our own DEP, and members of our committee did not see fit to have this particular thing in there. We felt that the existing laws under the Department of Environmental Protection were strong enough. Therefore, you have had, and I think it was passed out on Friday, a committee amendment to take out this section of

Committee Amendment "B". Therefore, I ask you to accept Committee Report B, "Ought to pass" at this time, and I would ask for a division on the motion of the gentlewoman from Lewiston, Mrs. Berube.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: With your permission, I would like to give my reasons for casting the minority vote. The Saco River Corridor Commission, as you have just heard, was created by us at the last session. It has been in existence since October 3rd only, and no sooner had they been operative, they were preparing changes to be presented to this special session. Denial of these new requests will not mean that we are abolishing the Commission by any means. The changes that they are requesting are of major importance, and to that they have added an emergency clause. Frankly, I cannot see the rush for these changes.

I recall further that last year we were assured that if we passed a bill establishing this Commission, they would not come back to the legislature for anything ever. They asked for and got \$47,500 from the legislature, which in turn got it from the taxpayers of Maine. It seems to me that they should have worked within the framework of the legislation which created it before coming to us so soon afterwards.

We have heard that there are some small minor changes. Actually there are 18 changes which they feel are of an emergency nature. A few of these would be what you have just heard, the right to sue and to be sued in its own name, public hearings to be held by a single member designated by the Commission. That is a change that they want. Somehow, in public hearings involving the land, the homes and the property of people, I would rather see several members be delegated to sit in on these hearings rather than one person only. And on this subject, we were told that this shouldn't present a problem and that it wouldn't affect the impartiality of the hearing officer, since a tape recorder was being purchased and the tapes

would be played back to the Commission for review. Well, we all know what can happen to tapes.

One of the many changes is a request for a 60-day extension, allowing another extension of time for this Commission in order to adopt district boundaries, et cetera, within the corridor, and this would add another hardship and delays for the people involved in construction, for example.

Under variances from performance standards, they have in this section some of the variances that were allowable last year. They have simply deleted the paragraph which originally read: "Inability to realize as great an economic gain as would be possible if the variance were granted." I think still that we must consider economic factors in these things.

I guess this other one has been deleted, but nevertheless, they wanted to make the air and water quality standards more stringent than those of the Department of Environmental Protection. They have also got changes of words from "may" to "shall," and so forth.

I certainly don't want my actions to be construed as obstructionism, but somehow I feel that the added changes will enable that commission to make additional money requests of the legislature, for in Chapter 150 of the Private and Special Laws of 1973, on page 1609, under Commission Budget, it reads: "The Saco River Corridor Commission shall prepare a biennial budget and shall submit to the legislature requests for appropriation sufficient to carry out its assigned tasks."

But over and above the reasons mentioned for my personal objections, in opposition to these new requests is my honest concern that we are moving so very fast in allowing commissions to enter people's private property, personal lives and means of livelihood. Perhaps this new Commission could have waited at least one year before attempting changes.

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

Mr. ROLDE: Mr. Speaker and Members of the House: This is one of

those unfortunate bills that gets into a confusing situation with three different reports. I am standing up here in favor of the majority report, which is Report A.

I first of all would like to ask you not to indefinitely postpone the bill and then give us a chance to present both Report A and Report B to you.

Basically, as the gentleman from Bar Harbor said, our committee differed because of the feelings about the role of the Attorney General. The Commission did come to us; they were fearful that assaults would be made on their activities by lawyers seeking nuisance suits. In fact, they were even told this by the lawyer for a developer, a former Assistant Attorney General, who said he would do just this. On page 19 of the bill, the paragraph which was to afford them some protection, reads, "In addition to enforcing the other penalties provided, either the Commission or the Attorney General may institute any appropriate action and injunction or other proceeding to prevent, restrain, correct, or abate any violation of this act."

"In our executive session, at one point, because we were all fearful that this might mean an added burden to the Attorney General's Office, we reported out the bill without that particular section in it. However, I felt that I should talk to the Attorney General before we did this, or before we made it final. I went to see General Lund and he asked specifically that this section be kept in. He felt that it could stay in the bill without any added appropriation for his Department, that this is not a precedent, this had been done in terms of Soil and Water Conservation Commissions throughout the State, and that it would serve merely as a protection against harassing suits. So, for that reason, I changed my vote and some of the other members of the committee changed their vote and came out with Report A.

I don't know if I succeeded in clarifying this or just confusing you more, but on the particular motion of the gentleman from Lewiston, I hope you will vote no, not to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would urge you to vote against the indefinite postponement motion. However, I don't favor the motion for adopting Committee Report B. I favor Report A. I live in a town that is bordered by the Saco River. Three of the other towns that I represent are also on the border line of the Saco River.

Now some of you may recall that in the regular session, I opposed the Saco River Corridor bill. I think if I had it to do over again I probably would support that bill. It appears that that particular legislation is going to work and work well.

The bill before you now provides the necessary tools that the members of the Commission need to carry out their day to day duties. It would protect them from law suits. I would urge that you support the Committee Report A, if we can get that far.

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

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: Although I am a signer of Report B, the action in the other body removed Committee Amendment "A" and added Senate Amendment "A" under filing S-381. As a result of this change, will now support Report A on this bill.

I realize that Report A will give the Saco River Corridor Commission access to the Attorney General's Office, but I don't feel this would be burdensome in terms of the Attorney General's Office time or expense. I think it primarily would be a deterrent for the wearing down of the financial resources of the Commission, as had been mentioned by the gentleman from York, Mr. Rolde.

I do lean toward the local control afforded by the Saco River Corridor Commission concept and think that the changes proposed in this bill have merit. I would hope that you would vote against the motion to indefinitely postpone.

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

Mr. PRATT: Mr. Speaker, Ladies and Gentlemen of the House: To clarify the position of the bill at the moment, could

we have a clerk read the complete report, the status of the bill, and the action taken by the other body?

Thereupon, the Report was read by the Clerk.

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

Mr. PRATT: Mr. Speaker, Ladies and Gentlemen of the House: I suppose I was as close as anybody here to this legislation, and I did sponsor a companion bill to this in the regular session last year. I hope that you have listened to these reports and realize that Committee Amendment "A" is a majority report. This is the one the people in my district would like to have, and I hope you will support this motion when it becomes an order.

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

9 having voted in the affirmative and 98 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now is on the motion of the gentleman from Bar Harbor, Mr. MacLeod, that the House accept Report B.

The Chair recognizes the Gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of Report B, I want to clarify my position on this. As you all know, this bill was before the legislature in our regular session. It had a great deal of merit, because here was an attempt on the part of a number of people to do something for themselves without benefit of State agencies or commissions. So as a result of that, it passed the Natural Resources Committee last time with all but one dissenting vote and that one dissenting vote was because it carried an appropriation.

Now we have arrived at a point where less than one year later this Commission is asking two things in this bill aside from a myriad of smaller items, one was to become a body separate, corporate in

politics, so that the members of the Commission could not be sued, which is fine and acceptable. The next section, which is Page 19 which refers to legal affairs, asks for the services of the Attorney General of the State of Maine. My hangup is that you either have to have one or the other. Either have a private commission and have your own attorney or be a State commission and use the offices of the Attorney General. We have arrived at that position today.

I want to call this to your attention, and I also want to ask the Chair for a ruling on this, as to whether or not, if Committee Amendment "A" is adopted, is it really in proper form before us? It obviously carries an appropriation and there is no money attached to this bill. I would like to have that considered. In the meantime, I believe report B should be passed because it leaves the Commission intact and allows these people to do the things they wanted to do originally. It isn't costing the State of Maine a penny. So I would like to ask the question of the Chair before Report A is voted upon and, as a consideration also, when you vote on the acceptance of Committee Report B.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: For several minutes now I have been looking at the bill and the amendments, and I hate to see legislation passed giving powers to parochial interest. I think it is going to have to be watched very very carefully for the time may come when us ordinary mortals in the State of Maine will have to bypass the Saco River Corridor in order to get somewhere else.

The SPEAKER: The pending question is on the motion of the gentleman from Bar Harbor, Mr. MacLeod, that the House accept Report B. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 51 having voted in the negative, the motion did not prevail.

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

Mr. PRATT: Mr. Speaker, I now move that we accept Report A.

The SPEAKER: The gentleman from Parsonsfield, Mr. Pratt, moves the House accept Report A.

The Chair recognizes the Gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I request the information as to whether this bill, if we accept Report A, is properly before us. Because of Joint Rule 12, I believe? This calls for the services of the Attorney General's Department. There is no appropriation on it. Shouldn't there be a price tag on the bill?

The SPEAKER: The gentleman from Nobleboro poses a question through the Chair to anyone who may care to answer. The Chair is without sufficient information as to know whether additional staff or personnel would have to be hired or not at this time.

The SPEAKER: The Chair recognizes the Gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentleman of the House: According to the Attorney General himself, it would not. But I suppose that this determination would be made by the Legislative Finance Officer who could put this on the Appropriations Table if he so chose.

The SPEAKER: The pending question is on the motion of the gentleman from Parsonsfield, Mr. Pratt, that the House accept Report A in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" was read by the Clerk and adopted in non-concurrence and the Bill assigned for second reading tomorrow.

The Chair laid before the House the seventh item of Unfinished Business:

House Order Relative to Opinion of Justices of the Supreme Judicial Court relative to University of Maine.

Tabled — March 7, under the rules

Pending — Passage

The SPEAKER: The Chair recognizes

the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: After the vote of Friday that was taken on this, we voted 130 to 20, which would place the University of Maine on the line budgeting and due to the fact that the Part I budget has been enacted, presently we have no vehicle, so this question has now become moot. I now withdraw it.

Thereupon, the Order was withdrawn.

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

Bill "An Act Providing for No-Fault Motor Vehicle Insurance" (H. P. 1938) (L. D. 2475)

Tabled — March 8, by Mr. Simpson of Standish

Pending — Acceptance of either Report

(Majority Report "Ought to pass" as amended by Committee Amendment "A" (H-738) — Minority Report "Ought not to pass")

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

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

The SPEAKER: The gentleman from Milo, Mr. Trask, moves the acceptance of the Majority "Ought to pass" Report.

The gentleman may proceed.

Mr. TRASK: Mr. Speaker, Ladies and Gentlemen of the House: This document, L. D. 2475, had its beginning back in the 105th Legislature when an order was passed authorizing a study of "No Fault" insurance. A Commission was appointed and did conduct a study and reported a bill to the regular session of the 105th Legislature. This bill, along with others, was reported out of committee "Ought not to pass," because we were unable to obtain an actuarial study before the session ended. The subject of "No Fault" was again assigned, this time to the Business Legislation Committee for more work, and we did receive the actuarial study which indicated a savings of 6 percent in your insurance premium on this bill. And this document, as amended, is the result of that work.

This bill meets the two basic standards of automobile reparations reform which are:

1. Direct payment by an insurer to his insured of basic economic benefits without regard to fault and

2. The restriction of the tort liability remedy or the right to sue for noneconomic pain and suffering damages.

I am sure we will hear arguments against the restriction of tort liability, but a consumer report of the Pennsylvania Insurance Department, which is regarded as the most regulatory state insurance agency in the country, states in part that, "In minor claims, the right to sue for pain and suffering regrettably introduces a significant profit motive into the fault system. At best, this profit motive counterproductively, but quite legally, siphons off millions of dollars of compensation funds of the basic economic loss of accident victims for the over compensation of some claimants and attorneys. At worst, it promotes deliberate, illegal exploitation of the system."

Also, in speaking about the Pennsylvania Insurance Department, I would like to call your attention to the booklet "A Motorists Guide Through No Fault," which was prepared by Mr. Herbert S. Dennengberg, Insurance Commissioner of Pennsylvania, which was given to me by the gentleman from Portland, Mr. LaPointe, and which I had distributed to your desks last week. This booklet is very helpful in understanding the philosophy of "No Fault."

I will not burden you further at this time with more discussion but will endeavor, with the assistance of the committee members, to answer any questions which may arise concerning this subject.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: At this point in my life, I would like to vote for no-fault insurance. I have heard so much about it, I think we probably should do something about it. But I have serious reservations about this bill, enough so I

can't vote for this particular bill in this particular form.

As I understand it, you can sue under this bill. I may stand corrected. That is why I am talking first, so you can pick my conversation apart. If you can't be sued for anything under \$500, here are some of the things that strike my mind.

I know there is a big difference, for instance, in a hospital bill between where I live and Portland. In other words, one hospital may charge \$35 a day and one in the southern part of the state may charge \$70 a day. This enters into who is going to say where the \$500 is.

Another thing that bothers me, under this \$500, assuming that I go downtown and some drunk runs into me, I might want to sue him and I may only be in the hospital three days, and this wouldn't be \$500. But I may have a very serious scar on my face, and who is going to determine whether this is \$500 or \$1,500 or how much — in my case it probably wouldn't be much. But in some cases — this could be some good looking girl and it might mean quite a lot.

This is the thing that bothers me; who determines the \$500? In other words, what is \$500 to me might not be \$500 to someone else. That is what I am saying.

So I have some strong reservations about this one part of the bill — no suing under \$500 for damages, and this is the best I can explain it to you. I can't vote for the bill under this particular form, and I think if you read it, you too will have some pretty serious reservations for the very reasons I gave you and many others.

I think it is given to us in the Constitution, the right to sue. I am conservative enough so that I don't want to give it away to a bill like this. I want to keep the right to sue.

If I go downtown and someone runs into me, I don't want to give up that right in this bill.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: This has got to be Business Committee week on this floor. We have some real heavy stuff coming out. To start with, we have this no-fault insurance.

I am one of those committee members who as yet is not convinced that Maine needs or wants no-fault insurance, but if we are to have no-fault insurance, the bill before us is not the one we should have.

I will touch on something Mr. Trask said, which was part of my remarks to start with, speaking about this bill being presented in the regular session and being in the 105th and then sent out to a commission to study. That commission was seven insurance men and one lawyer who since that time have done nothing to try to convince us that this is the consumer's bill and not the industry's bill. For a year and a half the committee has lived with this, along with other no-fault bills presented to us, and the idea of the last study done by the Business Legislation Committee was to try and bring forth one bill that answered all objections, and to make it a little simpler to come on the floor of the House, we called for a vote dealing strictly with no-fault insurance.

We had six bills presented to us for study. Slowly but surely we whittled away four and were left with two. This one bill here that is now a different L. D. number was 1420. That was the sacred cow. That was the one we couldn't touch, couldn't amend, couldn't change. It had to come out of committee exactly the way it came into committee with the insurance industry sponsoring it. And I am always a little suspicious of when an entire industry comes forth and tells us how they are going to try and help us in the consumer industry.

I feel strange that they will insist that this bill only belongs to that one industry and that for a year and a half that committee could actually gain no input into that bill. During the final closing days of the hearings of the no-fault bill, any number of amendments was offered to the bill, but of course it never did have the votes to carry to get these committee amendments onto the bill. It was perfectly obvious by the report both on this no-fault bill and the no-fault bill to follow just where the vote lies.

I have a strange title for this bill. I have always called this bill the aid to independent insurance agents, because it is real cream. The insurance industry

only stands to reap millions, should this bill pass, so I hope you will move against the acceptance of the majority report.

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

Mr. DESHAIES: Mr. Speaker and Members of the House: Mr. O'Brien has raised some questions on the membership of the study commission. I have here in my hand a joint order of the 105th, of which he was a member, ordering a special interim commission to study among other things no-fault automobile insurance, the cancellation of automobile policies, the cancellation of fire insurance policies and other insurance related problems. The commission was ordered to report its findings to the 106th, which it has done.

I read from the order: The membership of the commission shall be constituted and appointed as follows: Two members shall be members of the Senate of the 105th Maine Legislature, to be appointed by the President of the Senate. Three members shall be members of the House of Representatives in the 105th Maine Legislature, to be appointed by the Speaker of the House, and four additional members shall be appointed by the Insurance Commissioner, who together shall represent the various Maine insurance constituencies who shall serve without compensation. The Insurance Commissioner and the Attorney General shall also serve on the commission in an advisory capacity, and so on.

Well, of course there were insurance men on the commission. They weren't studying plumbing regulations. There were also lawyers on the commission and laymen. The commission recommended very very stringent regulations which prohibited an insurance company from arbitrary cancellation of automobile policies. Now, the 106th passed this bill last winter. Apparently there was no hangup with Mr. O'Brien about the commission membership then.

The 106th also passed regulations prohibiting arbitrary cancellation of fire policies, as recommended by the commission. This was also a very

stringent bill. Apparently there was no hangup with the makeup of the commission members then with Mr. O'Brien.

Well, the commission also studied and recommended a no-fault bill which is the Trask bill, this bill we have before us right now. And now suddenly, there is a question that perhaps the commission was stacked, or is the real question the name of the sponsor that appears on the bill? I should hope not. This bill is too important to me for you people to play politics and cast insinuations about the makeup of the commission. There was no problem with the other insurance bill. Why would a question be raised now simply because Mr. O'Brien doesn't like the bill?

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

MR. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: As you probably realize, this is a very complicated and technical subject. I am neither an attorney nor connected with the insurance business. Perhaps this is just as well, but I did sponsor the first no-fault insurance bill in the regular session, and it was L. D. 1, and it was filed in November of the year prior to our going into session, long before a report of the study commission. It was very similar to the Delaware law, which is working very well in that state and they now have two years of favorable experience. This was a consumer bill. It would work to the benefit of the people and the only bill that approaches total no-fault. It was often called the fairest plan of all, and it was considered, for instance, a very good example for a national model.

I mentioned to one of my colleagues just today that probably the only reason that that bill wasn't considered was that I was not a member of the committee, and his reply was, he liked the way I explained things so carefully.

Now to be fair and equitable, any bill must have certain characteristics. It must pay all actual losses promptly. It must not have to prove fault. It should cover actual losses and should not be a time-consuming law — not be time consuming because of law suits unless they would be specifically requested.

Auto liability should be at actual cost and not have to fix the blame and not encourage delays due to slow and costly lawsuits and in the end help lawyers and insurance companies at the expense of persons injured in the accident.

Now automobile insurance is unlike other coverage. For instance, home owners insurance actually pays justifiable claims without proving how the accident happened. Coming up before us shortly is L. D. 2504, sometimes called the Tierney bill. It is similar in many respects to the bill that I presented. And in my opinion, it is a bill to help the consumer. And, in my opinion, the Trask bill is more of an insurance industry bill.

We now function, of course, under the tort system. We must prove the guilt. The recovery averages only sixteen per cent of the loss. It is slow, inadequate, and unfair. And the beneficiaries of fatally injured persons are never properly reimbursed. The purpose of the tort system, of course, was to differentiate who is right and who is wrong, and only pay those in the right. However, I will admit that in Maine we do have what we call the comparative negligence law. And this would partially pay those who were not in the right.

Now the whole basic idea of no fault seems to me to be logical and equitable. The Tierney bill, 2504, and my bill have several things in common. They would not prohibit the right to sue. They would not have a threshold. They would not require additional health benefits if you are already covered. They would limit legal fees. It would make coverage mandatory.

Mr. Trask mentioned a study commission. He failed to mention that there were two commissions. The first one did not recommend the concepts in the Trask bill, but more like the concepts in the Tierney bill. And that was the session before last. Mr. Trask's bill abolishes the tort liability and keeps the threshold. And it says that you must buy duplicate coverage under certain conditions.

I hope, also, that we don't make this partisan. And if you do my bill, L. D. 1, which was lost in the shuffle somewhere, could have been called a Republican bill

because I sponsored it. But I did not choose to put that label upon it, because I also feel that this is much too important a subject to let politics enter into the actual bill that we may or may not pass. My bill, was my opinion. And, of course, this is probably the way people approach their own bills. It was certainly workable. It was one of the fairest and best proven. But I guess the actuarial studies didn't give it top priority. But I could care less whose name is on the bill; whether they are a Republican or a Democrat. And that is why I didn't try to file a bill in this special session which would be my bill or one just exactly like it. Because I thought, it was my opinion, that the committee would report out a redrafted bill that would take the differences and reconcile them. But they didn't do that. They reported out the two bills. And I only hope that we have a bill that is fair, workable, and of real benefit to the consumer. And I do not believe that it is the bill we are discussing now, but the bill that we will be discussing in a few moments.

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

Mr. DESHAIES: Mr. Speaker, Ladiss and Gentlemen of the House: I don't blame Mr. Ross for touting his own bill, which was killed very early in the session.

However, I have waited for this day a long, long time. I have followed no-fault automobile insurance since its inception several years ago. I have followed it in trade journals, in newspaper publications from the time the idea was first proposed by Professors Keeton and O'Connel of Harvard University. And I have watched it introduced in state after state. But never in my wildest dreams did I imagine I would find myself on the floor of the House of Representatives arguing its merits. Yet, here I am, and I welcome the challenge.

Well, I am a very, very strong believer in no-fault automobile insurance simply because the present tort system or fault system we presently live under has not worked. A system that overpays the small claims and underpays the larger claims. Now, how is this accomplished? It is quite simple. Let's assume a person

is involved in a minor automobile accident and it is the other fellow's fault. And he sustains medical bills of \$25, \$30 or \$50, or whatever; and that is all. His recovery is complete, but his pride is hurt. And he sees this as a good opportunity to make a fast buck. So he runs to a lawyer. And I have nothing against lawyers. So he runs to a lawyer. And the lawyer says, "Well, we will have you examined by a doctor. And why don't you stay home a few days from work." So the expenses are deliberately in some instances built up. And then the lawyer says, "Well, we will bring suit for a nice round figure, say \$15,000. After all, your conscious pain and suffering." Now the insurance company gets into the picture. They come in and say, "We don't want the expense of a trial. It will cost us \$300, \$400, \$500 per day, plus the judgment." So they immediately enter into negotiations with the lawyer and hopefully settle out of court for say \$1,500, \$2,000. And everybody is happy. The lawyer gets his fee of at least a third. The company doesn't have the expense of a court trial. And the injured is paid at least ten times, at least ten times, what he had coming. A claim that could have been settled for \$35, \$40 or \$50 was engineered through the tort system and way overpaid. And the cost of a minor claim has ballooned all out of proportion to its value. And people wonder why insurance rates continue to climb.

Well, the exact opposite happens with a serious claim. The injured person sometimes can not afford to wait two or three years while they try to establish fault. And he settles for considerable less than his claim is worth.

Ladies and gentlemen, I was a claims adjuster, an insurance adjuster, for twelve years of my life. I no longer do this. Now, that does not qualify me any more than anyone else in this house to speak on this subject. But the example I have just related to you, I have seen played over time and time again with varying amounts of money involved until it makes me sick to see the fakers pass their windfall profits on the motoring public in the way of increased auto rates. I have seen it. I have lived it. And I am telling it like it is.

Now, I am not condemning the legal

profession. There are many lawyers who wouldn't have anything to do with a phony claim. But there are those who will and do.

Now, there are three factions involved in this little charade. The insurance companies themselves with some of their very, very arbitrary claims practices. The individual who is looking for a profit and who will deliberately fake a claim. And the unscrupulous trial lawyer hungry for a fee who will represent them. All three must share the reason why the tort system or fault system does not work.

You know, it is a funny thing when you mention no-fault insurance to some people. Most of them will say, "Well, I've heard of it. But I don't fully understand it. And it seems to be such a departure or a change from the usual system." Well, actually, ladies and gentlemen, it is not a departure at all. Most of the insurance you buy today is no-fault. Your home owners policy or your fire policy covers you no matter how a fire starts. It is not necessary at all that fault be established before you collect from your fire policy. And if you have an accident and health policy and you fall sick, it is not necessary that you establish fault for your sickness before you collect. If you have a life insurance policy, the beneficiary does not have to establish fault before she can collect, he or she can collect. But for some reason, when it comes to automobile liability insurance we run into a system known as the tort system, the fault system. The playground for the cheats and unscrupulous lawyers. A system which prohibits an individual from collecting for damages caused him until he establishes fault. But allows the fakers and the phonies to reap benefits at yours and at my expense.

So how will Mr. Trask's bill correct this particular L. D.? With a threshold. Which in this case is \$500. Now, very simply stated, under this bill, if you are involved in an accident and you are injured you go to your own insurance company with your medical bills, your hospital bills and your doctors bills, and you present them and get paid. No fuss, no waiting period, no investigation to establish fault. You present your bills

and you get paid. And that system is working in other states.

You can not sue another person until your medical bills exceed \$500. If your bills do exceed \$500, then you may if you wish to bring an action against the person whom you feel has wronged you. If your injuries are permanent or if you have the loss of use or partial loss of use of any member of your body, you may sue regardless of what your bills are, \$500 or under \$500. It does not matter. But the intent of the \$500 threshold, is not to deprive anyone of their rights to sue under due process of law, but to present an obstacle to those who are using our auto insurance system as a means of profit.

Now, the lawyers are not deprived of a living. A person may still bring suit. But his injuries must consist of something more than one doctor's visit who sends you home with two aspirins.

The system is not perfect. And we will probably hear from the opponents how people, we already have, how people who live in rural areas are discriminated against. How the cost of hospitalization in, say Eastport or Jackman, Maine, is less than Portland. And, therefore, it is more difficult for these people to exceed the \$500 medical threshold in order to bring suit. Well, that is a red herring. It doesn't require much of an injury today to total medical bills or hospital bills or doctors bills of \$500. And I don't care where you live in Maine.

Now, we will probably also hear from the legal fraternity where this bill is not necessary, as most cases in Maine are settled out of court. And, therefore, we don't need this bill. But at what cost are they settled out of court? They won't tell you that. The \$50 claim that was settled for \$5,000; they won't tell you that. And the nice fat fee and the profit for the fellow who brought suit. And I can't really blame them for not disclosing this information. The goose that lays the golden egg threatens to fly out the window. And they don't want that. They will do almost anything to see this bill killed. I am not suggesting that a person who has been seriously injured or permanently injured not sue another person; absolutely not. He should if he

wants to. This bill doesn't prevent that at all. And the lawyer who represents that man should do everything he can to insure a just settlement. That is his obligation. But I am sick and tired of seeing bodily injury claims that could have been settled by unscrupulous people as a means of profit and passed on to the motoring public. And I think it is time for a change.

Now, 14 states have adopted a threshold system similar to this one and Congress, the United States Congress is presently studying legislation that is considerably more restrictive than this bill on court suits. Ladies and gentlemen, like many other things in our lifetime no fault's time has arrived, and I would strongly urge that you accept the majority "Ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: It is always difficult to follow the very affable and articulate gentleman from Westbrook, Mr. Deshaies. I am not sure that his remarks and his critique of the fault system have been heard in this House before, perhaps as long as 50 years before, when the fault system was rejected and workmens compensation was brought in to help injured workers in the work place.

But unfortunately neither of the bills we have before us today are pure no-fault bills. Indeed, the closest bill which we had to pure no-fault returned from our actuarial study showing a 30 percent increase in insurance rates for the people of Maine. So we in the committee unanimously rejected pure no-fault because it would cost the citizens of Maine too much money.

What we are discussing is the question of when and where we are going to maintain a no-fault system and when and where we are going to maintain a fault system and how we are going to do it in order to be equitable to all our citizens.

As I stand before you this afternoon as a proponent of no-fault I must also stand before you as an opponent of the bill that we are currently discussing, and I feel this way for three reasons. The first and

most important is that this bill requires of all Maine people who drive on our roads insurance coverage which over 90 percent of them already have. I refer, of course, to medical coverage. Under this bill a Senior Citizen who has worked hard all of his or her life and paid into the Social Security system and is currently covered by Medicare under this bill, he must now purchase an additional medical policy, a policy which he has no need for, and which in all likelihood he will never collect against. This bill requires an individual who is working and perhaps has a group health insurance where he works or perhaps he has contracted for it on an individual basis, it requires him, too, to buy an additional medical health policy which he will never use, and again, which he will never collect against. I see no reason for this state to enact a no-fault piece of legislation which requires such duplication. Because whenever this legislature acts to require anyone to buy a product, and insurance is a product, we should only require him to do the minimum, because this is the basic system our government is founded on and that is that the legislature should not impose itself into the individual lives of the legislated unless there is a reason and if we do so it should be spelled out and we should make it as efficient as possible.

I oppose duplication of coverage. And indeed the gentleman from Milo, Mr. Trask, recognized the evil of duplication when he presented an amendment to his bill which stated that a retired and disabled person would not have to buy wage continuation benefits. Now, I think this is a fine amendment to this bill, because it was taken word for word out of my bill. As the gentleman from Westbrook, Mr. Deshaies, pointed out in committee this is a very, very small, small package it is worth less than a dollar in savings to the consumer. The question is why did they only go for wage continuation? Why did they stop short of medical? Why didn't they allow non-duplication sections under the medical part of the package? Now, I have my own answer, and that answer comes from the statistics in the insurance department which showed that the medical paid portion of your

insurance package you currently have on your motor vehicle, or at least most of us have, only pays back 30 cents on the dollar to the consumer. 30 cents on the dollar if it gets back to the consumer, and if you think about it it is logical, because you have to buy medical insurance from an agent through an agent system it is a very inefficient way to work if it is opposed to the group policies which most of us have. They pay between 70 or 80 or 90 cents back on a dollar. So the insurance industry doesn't want to let this piece of business get out of their hands. So for that first reason I oppose this bill. I oppose the mandatory duplications.

The second reason that I oppose this bill has to do with the issue so ably discussed by the gentleman from Westbrook, and that is on the issue of the right to sue.

Now, unlike my friends in the legal fraternity, fraternity to which I aspire, I do not get all upset about giving up the right to sue if it is necessary. Indeed the 14 states which have given up the right to sue found it necessary and they might very well have been correct. But a look at these states and you will discover that there are states like Connecticut, New York, New Jersey, Ohio, Michigan, Illinois, states with urban population, states where people tend to sue. In Massachusetts, for example, ten out of every twenty people immediately went to a lawyer when they had an accident. But in Maine the statistic is only one person out of twenty. Maine people don't like to sue. I have more faith in them than that. Maine people don't want to have their private lives and their payments held up for months and months and dragged through the courts and delayed years. All they want is prompt sure benefits. I have faith in the people of Maine that they are not suit happy.

In the rural states which have rejected the threshold concept, they have found this to be true, because they found insurance rates dropping even without a threshold. So my first claim would be that is it unnecessary. But my second statement is that it is an equitable way to try to get rid of the right to sue by using a dollar threshold. What they, first of all, tried to do was equate pain and suffering

with dollar bills, which is first pretty hard. And second of all, they said if your medical bills are \$490 you can't sue if you are paying, and if your medical bills are \$501 you can sue. Well, I don't know I guess if I had an accident and some drunk driver slammed into me and my medical bills were \$490, it would be awfully tempting to go back one more time to the doctor, wouldn't it? In order to get that over \$500. So, do you see what you do in an arbitrary threshold? You build in an incentive for fraud. A person to go back and go back and pad his medical bills. And if he is fortunate enough to live in an area where there are a lot of specialists, \$50 a visit, then it won't take very long at all. I think this is the wrong kind of incentive. I think that if we want to limit frivolous suits, the people to limit are not the people, the people to limit are the lawyers to assist them of limiting legal fees which you will find on the next bill if we let this discussion go on a little further. So, I don't feel it is necessary.

Thirdly, I think it is a bad trade; a bad trade to give up your right to sue for saving of \$5, and that is all it is, \$5. Probably the amount most of us will spend on dinner in a couple of hours. And yet you are giving up your right to sue in over 90 percent of the automobile accidents that you might be involved in. That is just a bad trade. I for one don't want to do it.

One last point. That is, the penalty under this bill for not buying an insurance which forces you to duplicate your coverage and an insurance which makes you give up the right to sue. Perhaps I will read it to you. "Any person convicted of a misdemeanor under this subchapter shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment for not more than six months, or both. Can you imagine that? Passing mandatory insurance; and if a person can't afford to buy it, first of all, it is a misdemeanor which means he will have a criminal record. Second of all, you can fine him up to \$500. And, finally, you can throw him in jail for six months because he can't afford to buy insurance. It seems incredible to me that this bill and this type of penalty where they can be presented to us and yet times in the last

year that I have argued against this thing in committee the people who have supported this bill have turned me down.

So I have made my three points, I am against this bill because it forces needless duplications; it takes away peoples rights for a very small savings; and it has an onerous penalty. But yet, I do believe in no-fault. And if we vote no on the pending motion and get rid of this bill we will have the bill before us which is a real consumers no-fault bill. And I will be happy to explain it in greater detail at that time.

When the vote is taken, Mr. Speaker, I request that it be taken by the yeas and nays.

Mr. Tierney of Durham requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Hamblen.

Mr. HAMBLÉN: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Business Legislation heard a tremendous amount of testimony on no-fault insurance and spent many hours discussing it. Much of the testimony was contradictory, and I won't try to repeat it. But when someone asked me about no-fault insurance the most common question is, how much do I save on my insurance? My answer is the studies predict very little immediate savings under any plan. But the Trask bill would save about 15 per cent of the bodily injury coverage premium as opposed to 9 per cent under the Tierney bill. Obviously, the Trask bill, which would save money, is for the consumer. People ask me about the much publicized so-called duplicate coverage. And I admit that I personally have duplicate coverage. The medical payments clause in my auto policy would also cover a guest if he were injured in my car.

No one has explained to me how the Tierney bill would provide for such medical payments coverage to guests if they did not have their own health insurance.

Perhaps the Trask bill was written by insurance men. But I agree with the gentleman from Westbrook. If you want a house painted you go to a painter. If you need your teeth pulled you go to the

dentist. It is necessary to look for expertise in any field if you want the job done properly. I urge you to support the consumer and vote for the Trask bill.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: I don't wish to prolong this debate; I want to make just one more comment.

I move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, moves the indefinite postponement of this Bill and all accompanying papers.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise as a consumer this morning, and not as the majority floor leader, to show that the good gentleman from Bath, is right. This is not a partisan issue, but I would rise to oppose the motion to indefinitely postpone.

As a business man, I have had the opportunity to deal with people from Massachusetts several times, not directly with automobile insurance but with other types of insurance, and I could easily see why the State of Massachusetts, a few years ago, decided to do something about no-fault insurance, especially when they can take some claims such as I heard from the gentleman from Westbrook a few minutes ago and do just exactly what they did. I could go into one instance where one fellow stumbled over a little rock in my yard that turned out to be a pretty costly payment for my insurance companies, and he extended his vacation for about a month, got payments for not being on the job and a few other things, and it was settled out of court. At that time I started to realize that in Massachusetts, you know, you can have your car parked beside the road and someone can go to get out of a parking lot, back into you, suddenly, when you find a dent on your fender the next day, you got yourself a major suit because you've got a whiplash and the next thing you know you find a few of your friends

down the street that were sitting there with you and suddenly its settled out of court. I realized that the State of Massachusetts probably needed to do something about it, but I wasn't convinced that the State of Maine needed no-fault.

The gentleman, Mr. Tierney, just mentioned a few minutes ago that Maine people haven't been the type of people to want to get out and sue, and I think that that is probably true. Yet, I also think we have to realize now that no-fault is going to come from the federal government and Lord behold when that day happens, and I guess that is why I have suddenly taken a very active interest in no-fault and realize maybe we've got to do something with no-fault. I made it a point to try to look at it from every angle that I could possibly look at it, and I've studied the Bills and I've done a few other things.

First of all, I realize that during the regular session, we spent \$10,000 at the legislature to get an actuarial study done, and that went through here with flying colors and the actuarial study was done. I followed the hearings and realized that the actuarial study points out that the bill we have before us right at the present time does show a cost decrease to the insured. The study does not show that the present Tierney Bill was the bill that was before us when we sent it out for study and the Commissioner of the Department of Business Regulation brought that out very vividly in her presentation before the committee.

As a consumer, one who buys a tremendous amount of insurance, of all types in the course of a year — in fact, I would swap my insurance payments for my salary. I take a look at this thing and I am interested in lower rates. I realize that there is a duplicate coverage portion in this thing and I think maybe that could be worked out. Yet, when I look at the duplicate coverage, that doesn't come anywhere near what some of the other benefits are.

First of all, I want some service from my policy and if I am in Canada, I want service from someone I know that is going to give me that type of service. If I am in any state in the country, I want

that type of service. If you let the Blue Cross - Blue Shield in on primary service, you can't be guaranteed that. I want full coverage for me. I want full coverage for the people that are riding with me. This bill gives us that; the other bill doesn't.

There has been talk about the rural people being the losers, and we saw a lot about this in the news releases that came out relative to no-fault. Well, I will tell you that it doesn't matter where you live; it matters where you get your coverage for the bills that are coming in — that is the key. There has been talk about lawyers and the lawyers opposing the bill. I respect the lawyers; I can respect that they want to oppose a bill, that many of them or some of them would.

The gentleman from Portland, Mr. O'Brien, a few minutes ago, seemed to chastise every member of this body that happens to be an insurance agent because he is putting his expertise into this particular piece of legislation. I happen to give far more credibility to debate on this floor when it comes from people who have got some expertise than I do from those who don't.

Last year, during the regular session, I can remember a gentleman from Portland debating a bill, and he gave us quite a dissertation on stoves, which are hot cars. I supported him because I felt he probably was an expert on stoves. I say that facetiously because I really don't mean it. But it is a point well taken, Mr. O'Brien.

Ladies and gentlemen, I personally oppose the motion to indefinitely postpone. I think we have a Commission that came out with a report. We put our back into that particular Commission. They did the job. We put \$10,000 into an actuarial study. The actuarial study shows that this bill has a cost savings to the insured. I think that's what we're looking at.

I would be the first one to admit that your not going to write a perfect no-fault bill for anybody. I think we have come, something like four years, to the point where we are today. I think we have come to a point where we have something right here in this document that we can work with and is not full of

loopholes, such as the Department of Business Regulation Insurance Division, can't handle it. This is a bill they can administer and a bill they can handle. If there are some problems with it, I think they are going to be minor and we will have the opportunity to handle them in years to come. I hope that you will not vote for "indefinite postponement" on this piece of legislation.

The SPEAKER: The Chair recognizes the Gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I have talked with the insurance agents in my town, and they are of both political parties. They all favor the Trask Bill, and also several of my constituents favor the Trask bill too. I haven't heard anybody in favor of the Tierney bill.

The SPEAKER: The Chair recognizes the Gentlemen from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: I was in the insurance business for over 25 years. I am not now associated with the insurance industry in any way, which leaves me free to choose what I consider to be the best of the two no-fault insurance bills. My experience with the industry does not make me an expert, but it certainly makes me aware of the pitfalls of no-fault insurance. I attended the hearing on these two bills and, like the committee, there is certainly no question in my mind as to which I want to support and that is the Trask bill, L. D. 2475.

This bill retains the right to legal counsel over and above the \$500 threshold and no-fault benefits up to \$2,000. It will save the consumer 6 percent on their overall insurance premiums, and also give them the freedom to choose an agent of their choice.

The other so-called no-fault bill would put a non-profit, tax exempt, health care into the automobile insurance business, of which they have no experience, except to pay hospital and doctor claims. An injured person needs expert advice from someone experienced in handling injury cases and who will follow through and assist the injured in getting specialized care needed, also minimizing

permanent disabilities and including rehabilitation.

The present insurers have the experience and trained personnel and the financial incentive to do this job because they are responsible for the wage loss and the damage payments and also the medical bills. In the event of a suit for injuries inflicted on others, the car owner needs the expertise of an investigator and attorneys. Loss of income, collision comprehensive damage also needs skillful appraisers that can handle the details for the frustrating and complicated task. The car owner needs the advice of an agent who has studied and trained through all phases of insurance, not only in medical payments but hospital claims. Splitting coverages would also complicate the settlement of claims, especially in out-of-state accidents and those that would occur in Canada.

The argument that the public is forced to pay for double protection holds no water. Let Blue Shield - Blue Cross amend their contracts so that auto insurance contracts are primary and thereby reduce the premiums to the people of Maine. This system designed solely to shovel dollars out of pockets of consumers and sky-rocketing hospital bills, doctors bills, and Blue Cross-Blue Shield premiums charges has been outrageous. By contrast, a system which spends money to prevent accidents, to curb fraud and over-utilization and rehabilitate accident victims, may rightly be regarded as a more socially useful, and therefore more efficient system.

In conclusion, ladies and gentlemen, if Blue Shield-Blue Cross want to go into the automobile insurance business, let them shed their tax shelter and come in through the front door as full-fledged partner, write a complete coverage contract, compete with-other insurance in a competitive way. I do not support the motion of indefinite postponement.

Mr. Deshaies of Westbrook was granted permission to speak a third time.

Mr. DESHAIES: Mr. Speaker and Members of the House: There is a very strong and emotional plea from Mr. Tierney about not being forced to buy

insurance that is not needed. At least we've been told it's not needed. Now this has an awful lot of appeal and Mr. Dudley raised the same question — until you stop to analyze. How the factory group or the mill group plan and the retired person on Medicare, etc., they don't need medical payments coverage on their automobile. They already have hospitalization. In some cases, this is true, they are covering themselves and that is the key word — they are covering themselves and themselves only.

Now suppose these people are involved in an accident, their medical expenses are paid through the group Medicare or whatever, Blue Cross or whatever. But how about the passengers in their car? It's a statistical fact that passengers in an automobile accident are always more severely injured than the driver, particularly the person in the front seat. Now the driver's Medicare wouldn't cover them or the group plan at the factory. There is no coverage provided under a Blue Cross group plan for passengers in an automobile. These group plans were never designed for automobile coverages. Yet, we are told the driver should have the right to deduct the medical payment coverage in his automobile if he has, say, Blue Cross coverage or a similar plan like Medicare.

All this will do is to create a very serious, social problem for people who are injured in an accident and later find out that no medical coverage was available, simply because the driver wanted to save \$6.00 a year on his automobile policy. What if that individual is laid off at the plant or the mill, or his Blue Cross or whatever is cancelled for nonpayment, or for any reason, then he has no coverage for himself if he had deleted it from his automobile policy.

No, ladies and gentlemen, please don't fall for this ploy. The automobile medical coverages were designed at a very reasonable rate to cover the motoring public and the hazards connected with motoring and we should not be fooling around with credits.

Now Mr. Tierney has made an issue about work loss being removed in this bill without any problems. Why can't it

be done with medical benefits when there is duplication of medical benefits? The answer is ridiculously simple and he knows the answer as well as I do. There is no duplication in work loss. Therefore, you could have retired people in the car, or children, or students, who he is very often concerned with, they're not working so they don't need work loss. But they could be seriously injured and the medical coverages should not be deleted or fooled around with in any way in the automobile policies, not at \$6 a year. The insurance will be written by the automobile casualty insurance.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, has moved the indefinite postponement of this bill and all the accompanying papers. The Chair will order a division. All those in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Mr. KELLEHER: Mr. Speaker, I ask for a roll call.

The SPEAKER: A roll call has been requested. In order 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 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 voted in the affirmative, a roll call was in order.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that L. D. 2475 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Boudreau, Briggs, Brown, Bustin, Carey, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dam, Drigotas, Dudley, Dunleavy, Dyar, Evans, Farrington, Faucher, Fecteau, Finemore, Gahagan, Genest, Good, Goodwin, K.; Greenlaw, Hobbins, Huber, Jacques, Jalbert, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaPointe,

Lynch, Martin, Maxwell, McCormick, McHenry, McKernan, McTeague, Mills, Mulkern, Murray, Najarian, O'Brien, Parks, Perkins, Peterson, Ricker, Rolde, Ross, Santoro, Smith, D. M.; Smith, S.; Soulas, Sproul, Talbot, Tanguay, Theriault, Tierney, Twitchell, Webber, Wheeler, Whitzell, Wood, M. E.

NAY -- Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carrier, Chick, Churchill, Cressey, Davis, Deshaies, Donaghy, Dow, Dunn, Emery, D. F.; Farley, Farnham, Ferris, Flynn, Garsoe, Gauthier, Hamblen, Hancock, Hunter, Immonen, Jackson, Kelley, Knight, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Mahany, McMahon, Merrill, Morin, L.; Morin, V.; Morton, Norris, Palmer, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Strout, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard, The Speaker.

ABSENT — Albert, Berry, P. P.; Carter, Fraser, Herrick, Hoffses, Kauffman, LaCharite, McNally, Murchison, Pontbriand, Sheltra, Stillings.

Yes, 71; No, 65; Absent, 14.

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

Sent up for concurrence.

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

Bill "An Act Providing for Maine Motor Vehicle Insurance Reform" (H. P. 1963) (L. D. 2504)

Tabled — March 8, by Mr. Simpson of Standish

Pending — Acceptance of either Report

(Majority Report "Ought not to pass" Minority Report "Ought to pass" as amended by Committee Amendment "A" (H-739)

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

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

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: This is the bill which you might have heard referred to a few moments ago, the second no-fault bill which is before us.

Before going into the details of the bill perhaps I better leave the details to another day. Hopefully, there will be another day.

I would like to simply to say that for those of you who think we need no-fault, I guess I would remind you that we have one bill left. This is the vehicle which I would hope that those of you that do believe in no-fault would use towards securing that end.

Now, Ladies and Gentlemen of the House, we do need no-fault. We need it because people at the present time are not being given the service that the gentleman from Standish, Mr. Simpson pointed out. They are not being given their benefits quickly as the gentleman from Standish pointed out. Their needs are being delayed, held up in the courts, waiting for lump sum payments to come through. And I think we need automatic payments without regard as to who is at fault.

This bill has been shown to reduce insurance rates in the State of Maine. It has been shown to eliminate duplication. And it has been shown that it will keep all of the rights which you currently have, the rights that you have had and your ancestors have had since the State was founded.

I hope we vote, no, on the pending motion.

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

Mr. ROSS: Mr. Speaker, and Ladies and Gentlemen of the House: I for one definitely favor the concept of no-fault insurance. You heard me mention before that I had a bill in. It is very similar to this Tierney bill. And whether it is sponsored by a Republican or Democrat makes no difference to me. I feel that this would be good for the consumers, the voting people, the working people of the State of Maine in doing several desirable things with their insurance law of automobile liability.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I don't object to Mr. Ross touting his own bill. But I move for indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Westbrook, Mr. Deshaies, moves for indefinite postponement of this bill and all accompanying papers.

Mr. DESHAIES: Now, this bill, this L.D., is not the proper vehicle for insurance reform. It is business as usual; the court costs; the costs of investigations; the lawyers fees; the phony claims. They are all here in this bill. They are not touched at all. Oh, there are a few changes and it sounds pretty good. But his bill does absolutely nothing to correct the abuses in the tort system, the fault system, the real problem. This bill does nothing to control fraudulent claims which jack up the price of insurance premiums. Yet, Mr. Tierney says, if they get paid their medical bills they will not pursue this further. Well, that is absolutely incredible. With one stroke of the pen he eliminates fraud, larceny, cheating, lying, the whole bit.

I would like to have him talk to my parish priest or spend half an hour in the confessional booth. I am sure he would come out a new man.

This bill does nothing to control unscrupulous lawyers who will accept any claim, phony or otherwise, for a fee. It tries to. It tries to. It imposes a slight obstacle on thieves. But that obstacle is quite easily overcome. When judges, who incidentally are lawyers, and lawyers themselves set the fees. But it does try to control the insurance you will carry in a very, very subtle way.

Now, if I have an accident and health policy as well as an automobile policy covering my medical expenses, and I am injured in an automobile accident, I expect and demand to collect from both policies. I paid the premiums for both policies and I expect to collect for both. Now, this bill says you shall be given credit on your automobile policy if you have, say, Blue Cross coverage. Well, the first question that comes into my mind is; why doesn't Blue Cross give me credit on their policy if I have automobile coverage for medical

expenses? But, oh, no. Blue Cross doesn't want to lose that premium. They want more, not less. And this doesn't correct the problems in the fault system. It's simply a ploy to divert attention away from the real problems. And this is what this bill is all about.

The sponsor has called it a primacy issue, a freedom of choice issue, and many other very fine sounding terms. But it boils down to one issue, and one issue only. And it is very cleverly concealed in the bill. Shall Blue Cross administer the automobile reparations in the State of Maine? Period.

Now, at the public hearing last spring on Mr. Tierney's bill it was finally revealed that the authors of his bill were, among among others, students of the University of Maine, as well as a representative of the Horace Mann Insurance company. Now that is an insurance company for Maine school teachers. Now, they made a great issue of their in-depth study of no-fault. And when they were queried a bit further by Representative Donaghy from Lubec this in-depth study amounted, if my memory serves me correctly, to twenty-seven hours. Twenty-seven hours in-depth study. Now, I have nothing wrong against this. There is absolutely nothing wrong against this. There is absolutely nothing wrong with students studying the problem. But I believe that an issue as important to all Maine people as this one is worthy of more than a classroom exercise. I think it is commendable, but I think it should be treated for exactly what it is, a classroom exercise.

There are members in this House who are under the impression that the insurance industry is trying to kill this bill because it is a so-called consumer oriented bill. But at least the sponsor in his very numerous press releases has called it a consumer bill; overwhelming consumer support. Well, so far all I have heard from is the Maine Teachers Association, and Combat, and they weren't exactly enthusiastic at the public hearing, because they didn't understand it either.

Well, the insurance industry does want a no-fault bill. But a bill that will substantially reduce over the years insurance premiums and correct the

abuses in the fault system. This bill doesn't accomplish a thing. Naturally, the trial lawyers are less than enthusiastic about the other bill that we just killed. The goose that lays the golden egg is about to fly out the window.

So I would strongly urge that this bill be indefinitely postponed. And let the insurance carriers answer to the general public for the cost of their policies and let the health carriers, Blue Cross, do likewise.

Mr. Speaker, when a vote is taken, I request the yeas and nays.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: Just for the record, I stand in opposition to the motion to indefinitely postpone.

If we are to have no-fault, this is the no-fault bill to have. It does come closest to giving the consumer what they expect of no-fault; and that is immediate payment, reduction in premiums, and also, they reserve the right to sue should the cost go up on the insurance.

The legal fees that Mr. Deshaies spoke of, if he has read the bill, and I am sure he has over and over and over, but the legal fees, the benefits received from a tort case, that will be received automatically in the no-fault; no legal fees will be allowed on this collection. So the lawyer would have to earn his keep under the Tierney bill.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know too much about the no-fault insurance. The only thing I know about it is that we just killed one bill. If we want no-fault insurance, we must keep one bill alive. Now there is nothing that stops us, to process these bills going between both Houses, to amend it, and get the best out of both bills and come out with a no-fault bill that people want. I don't care what the name of the bills is, the Trask bill or the Tierney bill. If we can only compromise somewhere along the line, we can call it the Trask-Tierney bill and come out with a good no-fault insurance bill where everybody will be happy.

The SPEAKER: The Chair recognizes

the Gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have a question I would like to ask to anyone who might answer it.

The SPEAKER: The gentleman may pose his question.

Mr. MORTON: It seems to me, Mr. Speaker, that the cost of premiums is where the general public, the consumer, is going to benefit from either one of these bills that we are discussing today. My question is that which bill will come out so that the premiums that the public have to pay is the lower—the Trask bill or the Tierney bill?

The SPEAKER: The gentleman from Farmington, Mr. Morton, poses a question through the chair to anyone who may care to answer.

The SPEAKER: The Chair recognizes the Gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The actuary results you received last Fall, have stated that the two bills, when priced on the same benefit level, save almost identically the same amount of money. The discrepancy of \$2.50 between the two bills, Representative Trask's being cheaper than mine, results from the fact that he only offers \$2,000 in benefits while I offer up to \$5,000 in benefits. I am getting a blank expression from the gentleman from Farmington. I hope that answered his question.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Hamblen.

Mr. HAMBLÉN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to quote from a little sheet that came around to us the other day. Under the Trask bill it shows an average savings on the policy of \$6.04; under the Tierney bill, it shows an average savings on a policy of \$3.62.

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

A vote of the House was taken, and

more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I have the feeling that I am caught in a cross-fire between the trial lawyers and the insurance agents. Perhaps you share this feeling with me. I have the feeling that the welfare of the public in the State of Maine has received little, if any, consideration in this controversy. There are savings that can be made for the people who insure automobiles here in the State of Maine, which is most of us, through adoption of no-fault. I supported the other measure and it is dead now as far as our actions are concerned, so I shall now support this one. I hope somewhere along the line, as the gentleman from Lewiston, Mr. Cote, said, that we can arrive at some productive position on this.

I don't know many of you have received this little pamphlet that has been passed around to us, from Mr. Denningberg's office down in Pennsylvania, but there are two pie charts on the back that demonstrate the percentage of the premium dollar that goes back to the insured as benefits. At the present time, apparently, it is around 40 percent of the premium dollar that goes back to the insured.

Earlier we heard about a special type of insurance that 30 percent goes back to the insured. I feel this is a disgrace. I think that this industry needs straightening out and today we are talking about something that bears on it and hopefully will lead to some improvement in what I feel is a disreputable situation.

The other contender in this whole deal is the group known as the trial lawyers and the exorbitant fees that they pull down in trying these accident cases is just as disgraceful as far as I am concerned.

So speaking personally, I say a curse on both their houses, but if we were to follow through on this and kill both bills and so thwart their purposes, we also will be hurting the public of Maine. They deserve better than this. There are

savings in no-fault, and I hope that we keep a bill alive and work on it so that whatever savings we can produce for the insured in Maine will finally be realized.

The SPEAKER: The Chair recognizes the Gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you through the cigar smoke of my seatmates and urge you to vote against the pending motion of indefinite postponement.

I have listened today to what I consider the near slanderous allegations against trial lawyers in the State of Maine or the inability of Maine's citizens to process or exercise their due rights of suit without committing fraud. I would call your attention to that section in the Tierney bill before us now which would limit attorneys' fees, and that is a very positive asset contained herein in the bill. If, for this reason, you have some so-called hangups about the so-called unscrupulous trial lawyers of our State, abounding hereabouts, I would suggest that that would be reason enough to vote no on the pending motion for indefinite postponement. The Tierney bill is a good bill.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I'm pleased that you have had a chance to hear this today. This has been going on now for almost two years in Business Legislation. It gives you some idea of the malarky that we have been facing. A lot of it has come in from outside the State with Harvard professors coming to speak to us and other various people.

I supported the Trask bill, but I had reservations. There are some good questions in my own mind as to whether we really need a no-fault bill. It's a good concept. The ideas touted for it are the payment, and I think this is a very valid concept. The other thing they keep bringing out is the fact that the federal government will impose a bill on us. I don't think this is a very valid argument.

I am greatly disturbed by titles and names and labels that get thrown around here. I think perhaps the gentleman

from Pittsfield hit it closest when he talked about an insurance company bill and a trial lawyers' bill. Now we are on one side of that in discussing it. I personally, am interested that John O'Brien mentioned this and said that he really didn't really support either one either. He has talked about this in Committee, but I notice now that he has come down and feels that he will support this one. I personally feel at this point that indefinite postponement would probably be the best thing we could do.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: In the first place, I would like to see the title of the bill changed. I think a lot of people will be confused with so many no-fault bills in other states. Certainly from the safety standpoints, we automatically say no-fault, when we are only dealing with physical damage. — We are not dealing with property damage. My only request, if we are going to pass a bill — this would be original — and not deceive the people by saying it is a no-fault bill and cause them all kinds of confusion and perhaps some misconception about what this will do.

I don't care if its tagged the Tierney bill or anybody else bill, but this, in my estimation, is telling people that they are not at fault, go around and gang up your neighbor's car, create accidents, but you're not at fault. So if we are to be original, I think we ought to adopt another name anyway.

The SPEAKER: The Chair recognizes the Gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: Apparently both of these bills cause a lot of confusion. I know it did on my telephone this weekend. I talked with many insurance agents and two or three lawyers, and I can't see where we have an emergency situation here. A bill may be working fairly well in Massachusetts or some other state, doesn't necessarily fit the requirements of the people of the State of Maine. I personally think we should vote for the motion for indefinite postponement and come back in a

regular session with the experience that the people have had and maybe we can arrive at something that is more equitable and reasonable and more sensible.

I don't like the idea of losing my rights to sue at a cost saving of \$3.20 a year. I don't like having double insurance, having the Blue Cross, which I understand pays back 96 percent plus of the premiums paid in. I think we have two bills here that are very fouled up and lets kill this one and go about our business.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: The proponents of this bill would have us believe that Blue Cross should be allowed to administer the medical benefits of an automobile program. The bill says "may," and that is like waving a red flag in front of a bull. You can bet your life that Blue Cross would like it.

You just stop and think for a moment of the administrative nightmares and the confusion that would result if Blue Cross assumes part of this program in the event of an accident. Picture an average policyholder that must not only make out a State Police report, he must report to his collision carrier for damages to his own automobile, another insurance carrier for the liability exposure in the accident and it is not uncommon to have two separate carriers on your auto but he must also report to Blue Cross for their share of their obligations. Then sit back and wonder who in heaven's name is going to pay what to whom and when. Isn't it bad enough now; isn't there confusion enough now and misunderstanding after an accident without adding this monstrosity to the problem? This is in the best interests of the consumer? I hardly think so, but that's what the Tierney bill does.

Blue Cross has been alleging — and Mr. Kelley has brought it up — Blue Cross has been alleging for some time that they return 90 cents of the premium dollar back to the policy holder in benefits. Let's take a good look at that claim. At a meeting in Portland a few

months ago where legislators were invited to the Blue Cross facilities, I purposely asked a Vice President, a Mr. Pierce — and Mr. Speaker, you were there — what was the percentage of payments made by Blue Cross to the hospitals? And he correctly replied that it varies from year to year. Some years they pay 90 percent some years 80 percent — it varies. They never pay 100 percent of a hospital bill. You and I subsidize the difference through private insurance plans. When you consider that they are using that 90 cents of the policyholder's money toward the discounted hospital bill, as low as 70 or 80 percent, then my arithmetic tells me that this is approximately a 60 percent return and not 90 cents as they would have us believe. Their Blue Alliance program — that's a subsidiary of Blue Cross — their financial statement in the insurance department, and it is public record, shows a 39 cent return in 1970, a 52 cent return in 1971 and a 45 cent return in 1972. I simply am not swallowing this claim that they will return 90 cents of my premium dollar back as benefits, because, they do not.

I am not an opponent of Blue Cross. I was one of the chief opponents of the so-called Chiropractors Bill last winter, which Blue Cross was very strongly against, but in that instance they were dealing with a problem that was directly related to the cost of hospitalization for all of us, but this bill is another matter. They want to administer the automobile program as it relates to medical benefits. Number one, they have absolutely no expertise in this area, they do not have the trained personnel to verify lost wages or other tangible damages, and they are the first to admit that they want no part of this obligation. Mr. Tierney's original bill included these benefits, but Blue Cross was very quick to disassociate themselves from this problem. No sir, they wanted no part of that. Leave that to the casualty carriers; let them suffer that expense.

In short, what this bill will do is, what Blue Cross really wants is to cream it off, take the good part and leave the rest for someone else. They want all the benefits without any of the obligations, and they want all this without paying

any taxes to the State of Maine. They pay no premium taxes, none whatever. The other companies pay in excess of 5½ million in premium taxes annually, but Blue Cross is supposedly a nonprofit organization, so they are exempt.

You know, this nonprofit status intrigues me. It is a matter of record, of public record in the Insurance Department that in 1972 — '73 figures are not yet available — but in 1972, Blue Cross of Maine — I am not talking about Blue Cross of any other state, I am talking about Blue Cross of Maine — they had over \$9 million in reserve. I realize that they must carry reserve, but that figure is a hundred times, yes, a thousand times over what is required by statute for a nonprofit organization. In 1972 alone, they realized a net gain in their reserves of \$2.8 million — over two and three-quarter million dollars in profit in any other language. I don't have the '73 figures, but they were examined this past summer by the Insurance Department, and the report is not yet complete. Therefore, it is not yet a public record. But I am assured that their surplus, their profit, is very very substantial.

Now it would seem to me that before this nonprofit organization branches off into the automobile field, they should first review their present charges to Maine residents for Blue Cross coverage and bring the premiums down by using up some of this nonprofit surplus.

My Blue Cross premiums continue to go up and up, and the cost of hospitalization has not yet stabilized. Blue Cross tells us that they are constantly engaged in a peer review with doctors and hospitals to stabilize costs, to review charges and so on. Well, whatever it is called, it is apparently not working, because my costs continue to climb, and now they want to get involved in the automobile insurance business. No thank you. I say let the motoring public pay its own way through its own automobile carriers and let Blue Cross stay in its own back yard.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I won't

delay you too long, but there is one thing that I would like to bring out here. Two years ago, the last year that we had a research committee, I was on that committee and there was a bill that was brought to and members that were on at that time will remember, that are here now, to investigate the premiums climbing all the time, every year, for the state employees paying to the Blue Cross-Blue Shield. It had been increased by 10 or 15 percent every year for several years. I think at that time the rate that they wanted — there was another increase that they had proposed, and I don't remember exactly, but it was around 10 or 15 percent, if not more. A committee was named and there was quite a lot of research made and the first thing that was done, it was withdrawn because the Blue Cross brought down their rates from 10 to 15 percent to 8 percent.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Deshaies, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brown, Brown, Bunker, Cameron Carey, Carrier, Chick, Churchill, Curran, Deshaies, Donaghy, Dow, Dudley, Evans, Farnham, Farrington, Flynn, Gauthier, Good, Hamblen, Herrick, Hunter, Immonen, Jackson, Jalbert, Kelleher, Kelley, Kelley, R. P.; Knight, Lawry, LeBlanc, Lewis, E.; Littlefield, MacLeod, Maddox, McCormick, Merrill, Najarian, Palmer, Parks, Simpson, L. E.; Soulas, Sproul, Strout, Trask, Trumbull, Twitchell, Walker, White, Willard, Wood, M. E.; The Speaker.

NAY — Albert, Boudreau, Briggs, Bustin, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Davis, Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Farley, Faucher, Fecteau, Ferris, Finemore, Fraser, Gahagan, Garsoe, Genest, Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber,

Jacques, Keyte, Kilroy, LaPointe, Lewis, J., Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murray, Norris, O'Brien, Perkins, Peterson, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Susi, Talbot, Tanguay, Theriault, Tierney, Tyndale, Wheeler, Whitzell.

ABSENT — Berry, P. P.; Carter, Goodwin, H.; Hoffses, Kauffman, LaCharite, McNally, Murchison, Pontbriand, Pratt, Santoro, Sheltra, Stillings, Webber.

Yes, 60; No, 76; Absent, 14.

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

The pending now is on the motion of the gentleman from Milo, Mr. Trask, that the House accept the Majority "Ought not to pass" Report. The Chair will order a vote. All in favor of the House accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

49 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-739) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Mr. JALBERT: Mr. Speaker, is the House in possession of L.D. 2553.

The SPEAKER: The Chair would answer in the affirmative.

Mr. JALBERT: Mr. Speaker, I move that we reconsider our action whereby we engrossed this bill for purposes of an amendment.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby L.D. 2553, An Act Authorizing Municipal Auditoriums to Have a Liquor License, was passed to be engrossed.

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

Mr. AULT: Mr. Speaker, I would like to pose a question to the gentleman from Lewiston and ask him his reasons for reconsideration.

The SPEAKER: The gentleman from Wayne, Mr. Ault, poses a question through the Chair to the gentleman from Lewiston, Mr. Jalbert, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. JALBERT: Mr. Speaker, I stated for the purpose of an amendment. I said so in my remarks. I don't want the gentleman from Wayne, Mr. Ault, to ask me what the amendment is, because I don't know.

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

Mr. AULT: Mr. Speaker, I think that is the first time I ever heard the gentleman from Lewiston ever say he didn't know.

It appears to me the only amendment relating to this bill is on our desks as H-747. If this is the amendment that we are going to consider, I would ask the Speaker, since this bill pertains to municipal auditoriums, municipally owned buildings, and the proposed amendment pertains to licensed private clubs selling liquor to the public, I would ask the Speaker if this amendment is germane?

The SPEAKER: The Chair will rule on that at the time the amendment is offered.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby L. D. 2553 was passed to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Bill "An Act to Increase the Minimum Wage," (H. P. 1801) (L. D. 2321) which

was tabled earlier in the day pending acceptance of any Report.

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

Mr. GARSOE: Mr. Speaker, I move that the House accept Report C.

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

Mr. MARTIN: Mr. Speaker and Members of the House: That is the wrong report. I would ask you to vote against the pending motion and would ask for a roll call when the vote is taken and asked you to vote no.

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

Mr. GARSOE: Mr. Speaker and Members of the House: Report C is obviously "ought not to pass." Report B would raise the minimum wage to \$2, and Report A would raise the minimum wage to \$2.20.

Very briefly, I think we should be mindful here as we pass our laws that when we pass laws in this body that are in conflict with the laws of nature or the laws of economics, we sometimes have results that don't necessarily follow what the intent might be as we debate these subjects.

In the testimony offered in this matter before our committee, the chief concern seemed to be the humanitarian aspects of what we are doing for the low income people. I am not an economist and I am not going to suggest that anyone vote the way I do. I am going to accept the minority "ought not to pass" report, but I would ask us all to consider, as we cast our vote, the impact that the cost of wages has as it affects the profit of a company. I am sure that we are all aware that as the cost of doing business goes up, the cost of the product goes up, the profit generally being considered is a percentage of the cost of doing business, we find profits going up. I will ask you to add increased wages and increased profit and determine yourself what that does to prices? I would also like to ask you to consider who is the chief beneficiary in the region of the neck as prices tend to go up? It is the very people in whose name this action you are going to be asked to take, I know.

I submit that this does have a point of injuring the very people in whose name it is being proposed.

In this state we are currently running at \$1.90 minimum wage, which puts us in the top six states, counting the District of Columbia, in this field. So in addition to my reservations or my lack of knowledge as to what this is going to do to the low income person, I am also mindful of the fact that we can push our manufacturing people into a position of being forced to compete with still another disadvantage, as the cost of doing business is raised by this action that we are taking.

I know the argument will be made, no, it won't raise the cost of doing business because these people are so far down that they don't have that impact on the economy. Well, I submit that there is a chuckle-up theory that if this body should raise the minimum wage to \$2.20, that people in jobs now earning \$2 or \$2.20 are not going to look kindly on the new employee coming in and being paid the same amount.

I would just ask you to consider these factors as we vote on this matter today and suggest that we should have some sense of bringing Maine at least into step with the rest of the country in this matter.

One interesting statistic that has been brought out is that in the distribution system, distribution services that serve this state, that the average weekly hours worked in the last year dropped by an average of two hours. In other words, there is an average of two hours less per week being worked now than there was a year ago. I submit that this is one of the reactions that must follow if we continue to place the State of Maine increasingly out of step with the federal minimum wage. Last year we raised in this body the minimum wage from \$1.80 to \$2.00. It was finally maneuvered back to \$1.90 with the understanding in the language in the bill that when the Federal minimum wage catches up with us we will go along with it to a limit of \$3.00 an hour.

I suggest that, at least in this area, we will be meeting the problem if we can find our way clear to leave this bill, the minimum wage situation the way it is

now. We will at least be addressing ourselves to the problems that our industrial people in this State are finding themselves in, namely; of being placed at a disadvantage in competing with activities outside the State. I would recall the testimony last year when we were discussing this indicated that the increases in jobs we are having in the State are not productive jobs, they are service jobs. This is one of the fastest growing segments of our job market is in the service area. I submit that it is productive jobs that this state needs. And I would think that adopting the 'C' report today might be of some small advantage to that segment.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the last speaker. I would like to know whether or not he would be willing to sell his labor at a rate of \$1.90 an hour or \$76 a week.

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

The Chair recognizes the gentleman.

Mr. GARSOE: Mr. Speaker and Members of the House: I understand from testimony given here last year that we are doing just that right here in this body; that we don't qualify under the minimum wage.

Seriously, I suggest to my good friend from Portland that this isn't what I find to be the problem with approaching this situation. It is a humanitarian concern. And I don't want to take a back seat to anyone here in my concern for my fellow man. But I say this is an economic situation. And the minute that we start talking humanitarian good impulses we are doing a disservice to the very people in whose name we make these demands.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hope that the House takes the position this afternoon of not supporting my seatmate's motion. If I can remember

correctly just a few weeks ago we passed a bill in here that would help industry to the point of, on tax exemptions, on new and used machinery, which was a very handsome amount of money. And I am not trying to use this as an argument supporting the minimum wage. That the lower the minimum the better it suits them. I am not one. And I think we should at least express a desire as far as the Labor Committee is concerned to consider the other two committee reports that are presently before us.

I would ask the House to vote against the motion. And I ask for the yeas and nays when we take that action.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the motion this afternoon on report "C" so that we can go ahead and vote on the good part of this bill which is report "B".

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know, but my colleague here, Representative Garsoe, and I have been at odds on a good many occasions. Some of it, I think, was on a marginal line. But this one here, I don't believe that we are doing enough for our fellow man. I don't believe that this motion should be accepted. And I am very, very much in opposition to it because we have another amendment laying there before us that will increase the minimum wage. And, therefore, I certainly hope that you will not accept this motion.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I can't picture anyone standing in here asking labor to work for any less than \$2.00 or \$2.20 an hour.

The gentleman from Cumberland, Mr. Garsoe, I don't believe he thinks so. I don't know why he is saying it. People try to live and exist with families on \$80 a week gross pay at \$2.20 an hour. I hope we never see the day that we are under what the Federal government allows. I

hope if they go to \$2.20 we go to \$2.20. I hope that if they go to \$2.50 that we go to \$2.50. I believe it is ridiculous to ask a person out here with families, and we have got plenty of them. I don't know about Cumberland County, but I know in Aroostook county that we have plenty of them that are working now for \$1.90 an hour, and they aren't living, they are existing. Their children are underprivileged. And the people who are staying off AFDC and these other programs. I hope today we can vote against this motion and get along with the motion for \$2.20 an hour minimum.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It is not my intention to speak at length on this bill no more than I speak at length on any other measure.

Believe it or not my sister city of Lewiston, which is the second largest city in the state, which is 35 miles from Portland, the largest city in the state, has a differential of \$30 a week. The differential between Augusta, on average wage, and Lewiston is between \$20 and \$22 a week. Now for any of you who are about to press the button to indefinitely postpone this measure, I would like to have you join me as I go down very often in the morning to the Lewiston Public Works and watch people walking to work because they can't afford to drive to work, have people telling me thank God for food stamps because we couldn't live. Somewhere along the line these people that have a take home pay of \$68 or \$70 a week, if we look at some of the measures that we are putting here, I would remind the gentleman, Mr. Garsoe, that if it did pass it would raise us beyond the \$1.90 an hour. And I say that in all sincerity and all honesty. I certainly hope it could be possible that this bill here would not stay alive at \$2.20 an hour. Certainly, to think that the bill would be downed and it could remain at \$1.80, or on report "B" at \$1.90, would be accepted, would really and truly be a crying shame. I certainly hope that the motion to indefinitely postpone would not prevail so that we accept and keep this bill alive and accept report "A".

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

Mr. GARSOE: Mr. Speaker and Members of the House: To a point of information only. The last speaker indicated that the "Ought not to pass" report would reduce minimum wage to \$1.80. This isn't correct. It would leave the minimum wage where it is. Report "B" would raise it to \$2.00, and report "A" would raise it to \$2.20. I just wanted to correct that.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: A question, is there any provision in this bill for the summer employment of students at less than the minimum?

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I introduced the bill originally and I would attempt to answer the question of the gentleman.

Although the various reports, in the case of the report we are speaking to now, report "C", retains the \$1.90 minimum. Another report, I believe it is report "A", takes \$2.20. And the middle report, report "B" takes \$2.00. But none of the reports change the student exemptions, so-called. The students work at three quarters. And I believe they do not change the overtime exemption in agriculture. The exemption in a special situation regarding students stays the same. Of course, if the minimum wage is increased generally, let's say from \$1.90 to \$2.20 the three-quarters wage paid to students would go up in proportion.

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

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

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

Mr. MORTON: Mr. Speaker and Members of the House: Another question if I may.

What is the comparison of what this bill will do with the Federal Minimum wage at the present time? In other words, report "C", of course, will leave it where it is. But if we happen to defeat report "C" and go to "A" or "B" how will they compare to the Federal Minimum Wage?

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: As I understand from the newspaper reports, the Federal Congress has at this time again a minimum wage legislation pending before it. One body, I believe it is the Senate, the Federal Senate, has voted for a \$2.30 bill. I believe the Federal House has voted for a \$2.20 bill. I think the matter is either in or about to go to congress between the two bodies in the Federal Congress.

I would like to mention for the gentleman's information, too, that the Federal Minimum Wage and, therefore, in most cases the minimum wage of the people in Maine, went to \$1.60 in about January or February in 1967. I obtained figures from our State Legislative library regarding the degree of inflation, the Consumer Price Index in 1967, beginning of the year, until the end of 1973. The rate of inflation has been such that if the \$1.60 that people had in 1967 where to remain the same in terms of purchasing power it would be necessary to go to \$2.21.8. I mention this because I thought it might be of interest to some members of the House.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think there are a couple of points here I believe, first of all, that the Senate has approved a \$2.20 minimum wage in Congress and it is now before the House.

I remember very vividly during the regular session when the minimum wage bill came out that there was a lot of behind the scenes activity relative to the minimum wage in the state. And I felt at that time that we had bargained in good faith that we would put a ceiling limit on minimum wage to \$3.00, tied with the Federal bill. And then the second bill did just that. We came up with our minimum wage of \$1.90 and we tied it right directly into the Federal bill. And the arguments given to us in a good faith bargaining session was that we would not then be faced with minimum wage bills for a while, that we would ride right along with the Federal minimum wage which would put us way over and above most of the other states in the country. I guess that is the thing that troubles me right now; is the fact that when you bargain like this and you come through and compromise on a regular session, any bill, and then suddenly you are faced right here where we are right now with that compromise gone right down the drain and the bargain gone right down the drain in another issue right here before us.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I propose a question to the gentleman, and he can answer when I'm through making my remarks. I would ask him to tell us who the compromise was with since it certainly was not with the gentleman from Brunswick, Mr. McTeague, or myself; or, to my knowledge, most of the other people that I happen to know. I wasn't involved in that.

I do think that the point that is raised about whether or not there was a compromise arrived at a year ago or be it two years ago, that what has happened to our national economy has created a situation where people just can't survive. I think it's up to us to help them. The gentleman from Standish, Mr. Simpson, and I have gone to a number of vast Legislative Leaders Conferences together, and as he fully knows, what has happened is that there has been a tremendous increase of everyone's cost of living. I think it is time we make some

small attempt to try and help these people. And I think we can do it if we move the way we ought to be moving and increasing that rate. There is no question that everything else has gone up. And when some people are still taking home \$70.00 a week, then they are going to start looking for other ways to survive. I think it is up to us to try and help them and I ask you to vote "no".

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would be delighted to answer the gentleman and also comment a little further, I guess, as I go along.

I don't think I have to go to Washington to realize that there has been a tremendous rise to the cost of living. I also would have to ask, what are the other forty-nine states doing that are suffering the same costs of living, if not maybe more than we are, when their minimum wage is also below ours. As far as a compromise goes, I think a lot of us were opposed to the minimum wage last time for many reasons. And, mainly, the compromise was worked out to the fact that we would support the particular bill that was before us, with the idea that this would not be coming back in a Regular Session. And maybe that is why the gentleman didn't have to be there because he supported the bill as it was.

I think we ought to consider a few other things in this State, and that's the fact we now have a State that depends very much upon, let's say, the marginal worker. We have an awful lot of summer employment we offer the young people in the State. And without that employment they, too, would also suffer. I very seriously doubt that there are too many people making a living in this State of \$2.00 an hour or get paid \$2.00 an hour out of industry. I realize that there is probably a few that are gouging the worker, etc., and I don't condone that a bit. But I think, when you look at the basic premise, the basic industry in this State, that they are paying well over a minimum wage. When you start talking about a minimum wage, you are talking about the marginal worker. You are talking about the student who was

brought up here a few minutes ago, and whether he is going to work in the summer or not. And in about a month, you are going to receive a copy of the report that will show that that marginal worker represents, especially a student worker, the seasonal type of employee, represents almost 8 percent of the total employment force in this State. These are the people you are going to see that are going to be hurt through this type of a situation. You are going to see guys that aren't going to hire these people, you will see the reduction. I say that we are doing more in this State right now to kill business and to hurt business then we are doing to help them. It is a two-way street. — If the employees in this State want better wages and better working conditions, then we as a Legislature ought to start to look at industry a little bit and start to help them and start to realize some of their problems. Some of these industries where some of these marginal workers are working, are just the ones who are going to go under and when they go under, they go on unemployment. Then what happens? Then you pick it up out of the other industry, the employer again, because his rates are going to increase. Employment compensation funds still has to be maintained. Somewhere along the line we better start and strike a balance and look at both ends and not just the lower end.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Standish, Mr. Simpson, has talked about marginal workers in Maine. I guess there are some everywhere, but I don't think there are more in Maine than there are other places. I think there are fewer. If the argument is, that we have to be a low-wage type State, we have to sell our people and ourselves cheap, in order to get economic development, I suggest that the game can never be won. When Japan was at \$.90 an hour, Hong Kong went to \$.40, and when that came up, Thailand came in at \$.25. The way in which we can make our State more prosperous, on a permanent basis, is not

to down-grade ourselves into unskilled, sweat-shop-type occupations, but rather to attempt to attract into this State, industries that have a heavy capital investment and require skilled workers that pay a high rate. This is the reason that in this Legislature I have voted for bills that would remove the sales tax on capital equipment. Some people might think that vote was a gift to industry and maybe, in a sense, it was, but it was a gift to industry or a reduction in industries taxes on the basis that they would provide good, high-quality, high-wage, employment. We have, in some of our industries, in this State, for example, — in the paper industry and the shipbuilding industry, the best craftsmen and working men, not only in the United States, but in the world. We cannot win the game of paying the lowest wages in the world, and we shouldn't try. It morally smells, even thinking in that direction. We have an obligation here, not in behalf of people who are union people and who are organized and can bargain for their wages and who, on the average, probably make \$3.50 or \$5.00 or more an hour, but we have an obligation to represent those in our own towns who have no lobbyist behind them because they don't make the money, because they aren't organized to retain lobbyists. I fully respect the right of any industry to retain its lobbyist and to come here and try to persuade us by their logic. I think, in a sense, that we have a very special duty, as Representatives to the Legislature, as Representatives of the people in our towns, particularly to those who in a sense don't have the push, don't have the 'pizazz,' who don't have the political power, to speak for themselves, not to forge them ahead, not to create an increased standard of living for them, but, at least, to keep them at the same level.

I ask each of you to think back as to the cost of a loaf of bread, for example, in 1966 or 1967. And think of the cost of a loaf of bread today. Think of the cost of any of the essentials of life; fuel oil, gasoline for your cars so you can get to work. I would say to this House, and I would invite anyone who doubts it, to check with the State Legislative

Research Library, that in order to be the same, as a \$1.60 minimum wage in 1967, we need in excess of \$2.20 today. This is not going ahead; this is catch up. It might be a good idea if we could do it, if we could make the legislation retroactive and pay those people for what they haven't had in the past. Our minimum wage laws should probably have an inflation protection feature in it, so that each year, on an annual basis, adjust it just to keep up with inflation. Those of us who are fortunate, who are businessmen, who are professional men, and who are skilled working men, represented by unions, we are able to, even though it's difficult in these inflationary times, to protect ourselves. The people who are near the bottom of the heap can't do that. They have to rely on you and me.

The gentleman from Standish suggests that minimum wages or, wages down around \$2.00 or so an hour, are only paid, perhaps, in seasonal type industries. I ask each of you that has a particular type of industry in your town, and I have some in mine, and, like you, I know the people that work there, and they are kind enough and interested enough to tell me what they make. And I can tell you there are a lot of them that make a \$1.90 an hour. I am not talking about a sixteen year old student. I'm talking, in some cases, about fifty-five year old women or twenty-five year old men. When we set the minimum wage here, it's not a minimum wage, it's an actual wage for most of those people. Anyone who has the courage to continue to fight and struggle, and put in a 40 or more hour week, for the minimum wage, I truly respect. I think they deserve a little bit of help from us and this is our chance to give it to them today.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Cumberland, Mr. Garsoe, for correcting me. The motion as I understand it now, is to accept Report C.

The SPEAKER: Correct.

Mr. JALBERT: I hope that it's soundly defeated. And I would like to

take this opportunity — all the time when I'm in my seat, I listen to the gentleman from Brunswick, Mr. McTeague, speak because I like his delivery and I like the way he puts his point over. But he is talking about the Dark Ages today when he is talking about 1967.

I was conned into a shopping trip to the market about two weeks ago. Within the last year or year and a half, bread, potatoes, meat, why it doesn't go up by a cent or two cents a pound; it goes up by sixteen or eighteen or twenty cents a pound. I have one hang-up that most of you know that I have. I don't go out very much, but I kind of like to dress up a little bit. And would you believe that the type of suits I wear, have gone up \$75.00 in over the last year? Shirts have gone up \$2.00 to \$3.00 to \$5.00. Stockings about .50 cents, shoes, \$8.00 and \$10.00 jumps. We've spent so much time around here messing around with what we call an energy crisis that we've forgotten anything else. What is this energy crisis? I bet my oilman in front of my house, when the oil tank is down to a certain level, the same this year as I had last year, and I'm sure the vast majority, if not all of you, have had the same privilege. As far as gasoline is concerned, on one occasion I was told by an attendant, \$3.00 limit. I got \$3.00, turned right around and went back to the same pump and got \$3.00 more bananas and by then on my way, my tank was filled. That was the only occasion that that ever happened. The whole problem is this; that we spend so much time, in my opinion, on something that really doesn't make sense, and we have yet to really do something about it at this session that we have forgotten everything else. Just go into a clothing store, ask them how much was this three years ago? How much was this three years ago; how much was this three years ago. Go in and ask somebody how much a loaf of bread was three years ago? I am not objecting to the potato people. This is not the first time in years that they are starving; believe me, they are not starving. You see that row in front of me and they look nice and healthy. God love them.

I think, frankly, that we haven't done

anything in this Session, we have done a great deal but I think we go down one mark, a little bit, in my opinion, if we accept Report C. What are we arguing about, \$2.20 an hour to work in this day and age? \$2.20 an hour won't even buy you a hot turkey sandwich in a restaurant anymore. It used to go for 40 cents, and not too long ago. I'm not talking about 1967. I'm talking about last year and the year before. In many instances, commodities have doubled. I think we should soundly defeat the acceptance of Report C, and then Report A should be accepted.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that the House accept Report C on L. D. 2321. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bither, Brown, Garsoe, Hamblen, Knight.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Brawn, Briggs, Bunker, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Gauthier, Good, Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Bragdon, Bustin, Davis, Dunn, Genest, Goodwin, H.; Herrick, Hoffses, Immonen, LaCharite, McNally, Murchison, Pontbriand, Pratt, Santoro, Sheltra, Sproul, Trask, White.

Yes, 6; No, 125; Absent, 9.

The SPEAKER: Six having voted in the affirmative and one hundred twenty-five in the negative, with nine being absent, the motion does not prevail.

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

Mr. ROLLINS: Mr. Speaker, I now move the acceptance of Report B.

The SPEAKER: The gentleman from Dixfield, Mr. Rollins, moves the acceptance of Report B.

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

Mr. MARTIN: Mr. Speaker I would ask you to vote no, and when the vote is taken I ask for a roll call.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The report now before you recommends the \$2 basic minimum wage in Maine, subject to the exemption in the student provision we talked about before. I must confess my error and perhaps even my sin in introducing a bill to the rate of \$2 an hour. I felt before this session started, as many of you did, that we needed an increase in the minimum wage, and I did want that increase to be a reasonable one.

I recalled that we had voted on a \$1.90 bill during the regular session and \$1.80 the year before, and I thought that perhaps the 10 cent increase would be reasonable. But between the time I introduced the bill, or at least between the time that was included in the gubernatorial call and the time of the public hearing on the bill, I had this opportunity to study the Bureau of Labor statistics and consumer price index, and as you can see by a little mathematics, a 10 cent increase on \$1.90 minimum wage is roughly a 5 cent increase. Of course we all know that we had about an 8 percent inflation, 8 percent plus inflation rate during calendar 1973, and I understand so far this year it is running at an annual

rate of 10 to 12 percent. When I saw these figures, and when I considered the year in which the federal minimum wage may change to a dollar sixty back in the mid or late sixties, I became convinced that \$2 was inadequate.

You might say that something is better than nothing. But if people get a 10 cent increase over a 40 hour week, that is a gross of \$4 and a net of \$3. I guess perhaps they can fill up their tanks just once at those stations that have the three-dollar limit, that the gentleman from Lewiston, Mr. Jalbert, is talking about. But I would ask you, on this roll call, to reject the \$2 as being inadequate, and even though well intentioned, and I in no way challenge the intentions of the gentleman from Dixfield, Mr. Rollins, but as to be grossly inadequate. And perhaps even though well intended to be considered when you consider all the other costs involved, it is slap matter and insult to these people. I think we should keep them even, and \$2.20 doesn't quite do that, but it comes within a penny or two of it.

By the way, with the inflation that we are having now at the end of this year, in order to have a minimum wage given in January 1975 that is the equivalent of that dollar sixty we went to back in 1967, we probably would have to have about \$2.40 or \$2.45. I hope we have at least \$2.20 and therefore I ask you to vote against the pending motion.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I also would hope that you would vote against the pending motion. This morning on my way up, I stopped to fill my tank up. I have a Volkswagen bus camper. Last year I was filling that bus up with \$4.50. This morning I filled that tank up and it cost me \$7. That would concur with the comments of the gentleman from Lewiston, Mr. Jalbert, that prices are going right out of sight.

But I think if we do a little arithmetic this morning, we will find out that \$2 an hour, that is a gross of \$80 a week. That is not take-home, because after taxes and whatnot, you are taking home little over \$70 a week. If you will just break that

down into four, which is four weeks in a month, you will find out that by the time you take out your rent, and I am just saying off hand that you have got an \$80 a month rent, and that is what I call very very reasonable, because it is very hard to find a rent for \$80, but that is \$20 a week out of your pay check right there.

I know I have four children, and my wife spends at least a minimum of \$50 a week for groceries. That is not counting the bread and the powdered milk she has to go to the store for throughout the week. So that runs up another fifty or sixty dollars. That is not taking into consideration groceries, gas, telephone bill, light bill, fuel bill. I think if you will add all of these up and do a little arithmetic, you will find out that a man making \$2 an hour now, by the time he pays for this during the week, he ends up in the minus at the end of that month paying back money.

It is very, very unreasonable and very very unrealistic for us to sit here and want to pass a bill for \$2 minimum wage. The comments of the gentleman from Standish, insofar as there are very few people in this state making the \$2 minimum wage, except students, I would disagree with him wholeheartedly, because there are a lot of people working in hospitals, a lot of people working as janitors, filling station operators, 55 years old, 35 years old, people with families, who are only making that minimum wage of \$1.90 an hour.

So I would sincerely hope that you would vote no on this pending motion so that we can accept Committee Report A.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I agree wholeheartedly with my friend from Portland, Mr. Talbot, but I have learned some of the facts here in the last day or two. We passed a bill Thursday or Friday in this House. It went to the unmentionable body and was soundly defeated. I think we have to consider this in this bill here, and I think we have to have something that does have a chance to go through both bodies, and I would hope that we would vote for Report A.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Members of the House: One of my colleagues said, what are you getting up for. This isn't a liquor bill.

I would like to speak to one or two of the arguments that have been presented for the increase, and I do go along with the increase as stated in Committee Amendment "B" which would raise the minimum from \$1.90 to \$2 an hour.

The gentleman from Brunswick, in good faith, mentioned that the cost of living had gone up since the last minimum wage. The federal minimum wage was raised in 1967 to \$1.60, and he said to bring that same person up to what he should be in purchasing power, the minimum wage should go to \$2.21. Well I would agree that is true. If that same person that was on \$1.60 in 1967 is on \$1.60 today. If he is on \$1.60 today, after five or six years, there is something radically wrong with him. Because for the most part, in industry — and this was not true in the industry in which I worked for 30 years — their minimum rate was at least a dollar above this most of the time, so we were not affected. Most industries that are using a low rate are those in which there was a heavy turnover such as the shoe industry and the textile industry, and you bring people off the street that don't know a thing about the job and you do put them on a low rate, but it can't be below \$1.60, and I doubt now if any of the shoe factories or textile mills even try to bring them in at \$1.60. It seems to me, the last textile contract I saw for the Bates Mill, the minimum was \$1.80. But I won't stand as that being a fact.

These people for a few months are being trained by the employer. They are not earning 50 cents an hour the first few weeks. They are not earning a dollar an hour the second month, but generally, by the end of six months, they are well above that and they are usually on piece work basis and they are earning far more than \$1.60 an hour.

The gentleman from Brunswick, Mr. McTeague, also mentioned how big hearted he was when he voted to exempt new machinery from the sales tax. This,

of course, was an inducement to bring industry into the State of Maine. He is to be congratulated for once in his life for standing up and trying to bring industry to Maine. But at the same time now, he wants to increase the cost to an extent that they will not come to Maine.

I would point out to you that in the last four or five years there have been over 4,000 jobs lost in the Maine shoe industry. Where does the shoe industry go? Maybe I don't like it, but it goes where it can get the cheapest labor, and we have had a severe set-back in Maine in that effect. Again I would ask you, is a job at \$2 an hour not better than no job at all? Do we want to put everybody on relief? I think, and I know this is true of the Maine worker, he would rather work for \$2 an hour than be on relief, but when there are no jobs, he has no choice but to go on relief.

I urge you to seriously think this out. There is an economic factor involved.

I negotiated for years in a high paid industry. Some of those men today get \$6 an hour. You apply the same increase to them — and they will be after it, they are crazy if they aren't after it. My colleague down here, the assistant minority leader, sat across the table from me for years. He was one of the highest paid men in the mill in his classification. He is a highly skilled man. I am telling you, he expected this same increase as the lowest paid man when it came to percentages. So the \$6 an hour man goes up 96 cents an hour. What does that do to the cost of the goods he is producing? So you have just like a dog chasing his tail. The higher paid men will get an equivalent percentage increase. The cost of everything else goes up, and the fellow that is at the bottom will be worse off two years from now than he is today.

I urge you to accept Report B.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I can't sit here and let the remarks of my good friend, Mr. Farnham, go by without mentioning something about the shoe industry. He said, why do the shoe industries move around? Number one, let's put it this

way. Why did the industry come to Maine in the first place? What do we have when we have shoe industries in Maine? And I am speaking now for the majority of the shoe plants in the State of Maine.

We have what is known as runaway factories. They come into the State of Maine from other states, and we gained the most of ours from the neighboring state of Massachusetts because the wages there were higher than what was being paid in the State of Maine. And the reason they were higher there is because the people in Massachusetts have learned the art of collective bargaining. They, in other words, unionized. The plants that did not want to pay the wages moved into Maine and Maine welcomed them with open arms. This is not the industry we need in the State of Maine, a minimum wage industry. We do need a better industry than the shoe industry.

Mr. Farnham mentioned training, and I was very happy to hear him use the word training, because what the shoe industry does, they hire the people in at a training wage and they train them for six months. Let's say they train them as a single needle stitcher. After six months of producing on the training wage, they say, "Well, we think you will make a better two-needle stitcher." So they train him for six months on the two-needle stitcher. Well, maybe by that time they would be up to the unheard of — maybe they would be earning, if they were on piece rate and by that time they would be experienced and they would be going on piece rate, maybe they would be making \$2.30 or \$2.40 an hour, maybe even \$2.50. But boys that run the shoe shops are smart cookies. They are a lot smarter than a lot of us here. So they get together and they say, "Well, we are not going to move this lady up. Let's move her on the other side of the room and we will have her cementing linings. We will train her for six months more." Still they keep them down to the trainee wage.

The people in Maine associated with the shoe industry have not really learned the art of collective bargaining, because they are too easily intimidated; they are too easily scared. So the union moves in, they get their authorization cards signed, and if my memory serves me

correctly, to have an election it only takes 30 percent of the employees to sign the cards, so they petition for an election. Immediately these same shoe companies, they have been telling the workers right along they are just hanging on by the skin of their teeth, yet by their stockholder's report, it shows sometimes they are making a \$5 million net profit, and that is not hanging on by the skin of their teeth in my thinking. Of course, I am not as intelligent as the executives of the shoe industry, and I admit that. But they say, "All right, we are going to have the election."

First, they will fight it and then they realize they can't, and they come up with all kinds of gimmicks. In the meantime they rush back to Massachusetts or New York and they have hired a real expensive law firm to represent them, and it is nothing for them to spend two hundred fifty or three hundred thousand dollars to hire this law firm. These lawyers are smart cookies also. So they send up some of their boys into the area, and they sit down with management and they come up with all their little gimmicks. They put their bulletins on the bulletin board of how nice the company has been to the workers, and you want to remember that last Christmas we gave every worker a turkey. Of course, they don't say that for 20 years we have stolen your money so we can afford to give you the turkey. They don't say that.

The next thing they tell them, we have got a pension fund for you. We have got medical insurance for you. You don't need anybody to help you get more money because we're taking care of you. They sure are. The worker is contributing to the pension fund, he can put his money in a savings bank and get 5 percent, but the companies pay 3 percent so they use the employee money to expand their own company, and they buy this money at a ridiculously low rate of interest of 3 percent. Speaking factfully and not off the top of my head, the medical insurance policy that provides \$12 a day hospital expense, you can't even put a dog in a veterinary hospital for \$12 a day. I don't know where you can put any human being in this State for \$12 a day, whether you go way

up in the northern end of Somerset County, up in Carratunk or the Forks, or whatever, or you can go down the southern end of the state where I am not familiar, I don't know of any hospital that has this rate of \$12 a day.

This is the way we need to raise the minimum wage here, because of what is being done in the low paid industries. And going back to the intimidations, the day of the election times and all the shoe workers are gung-ho and they are ready to vote for the union because they are going to have someone speak for them, just like some of us are trying to speak for the workers now, and get them somewhat of a decent living wage and I don't say decent living wage, I say somewhat.

As these people go down to the polling places, the bosses walk along, they become the peoples' friend. They pat them on the back, "How are you this morning, Joe? How are you Mary? Remember, if you vote for the union, don't come in tomorrow, we'll close." They don't dare to vote for the union, because the word is passed down the line that if it's victory for the union, don't come in tomorrow morning. They don't put this in writing, they pass it word of mouth, and I don't care what industry it is. I've worked in a few, not too many. I worked prior to World War II for five weeks in a shoeshop and I realized that I could never own it so I quit. I worked for a woolen mill in Skowhegan and I came to the same conclusion and I quit. I know a little something about it. People in my family spent their whole life in the shoe shop practically. I've seen them work, seen the act of intimidation go on, and this is why we have to fight in the legislature to raise the minimum wage. Another strange thing, when attacks appear in the parking lots and employees have a flat tire, it is always the union or the workers management. Well, I can assure you people that management plays a big part in those little tactics.

If we could educate the people in this State to what collective bargaining was, we might not have to stand here every session and fight to hand out 10 or 15 cents to the workers in this State. They might be able to take care of themselves.

But as long as you have these high-paid boys from out-of-state, as long as you have these runaway gypsy industries coming in, and as long as you have agencies that welcome them with open arms, this is what we are going to have. I don't welcome that type of industry, and I am sure if we should pass the minimum wage today, and it was \$2.50 an hour, that neither one of the shoe shops, in my town are going to move out, because they have one good thing going and they are going to keep it going as long as they are there.

The SPEAKER: The Chair recognizes the Gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I won't take any more of your time but just want to mention one point. I know we have debated this matter in the regular session and here in the special session, but if you look at the amendment before you, which is House Report B, and it is amended by House Paper 745, Committee Amendment B, to this report. You will find that the effective date of the report we have before us, the debate right now is on October 15. I think many of you are under the impression that if we pass the \$2 minimum wage, you vote for this at the present time, that a person will be receiving the \$2 in three months. I think it was a very smart part, in fact, on the people who signed this report to put the date off until October 15. It is pretty sneaky and smart, I suppose.

If I may for one second tell you a story that happened to me last week, and it has probably happened to a lot of people who are supporting gubernatorial candidates, and who have the opportunity to go through mills, shoe shops and whatever with them. Last week I had the opportunity to go through one mill with a gubernatorial candidate, who I won't mention, you probably know who it is, but I won't mention it, and we went through and many ladies who work there came over to us. The candidate I am working for asked one of the women, "What are you making an hour?" The woman said, "\$2.00." He said, "Do you think you are worth more than that?" She said, "Your darn right I am worth more than that. How can I live on \$2.00 an hour?" We went on debating and she

said, "Isn't it about time for the legislature, you've been in session now for two months, to do something about the unorganized person, like myself, who doesn't have the benefit of going through a union?" And my candidate, of course, since the party he belongs to, said, "I think we should increase the minimum wage, like a good politician should, I suppose, but that is beside the point." If you saw what the woman looked like and you saw the clothes she had on, and she told you she had three kids who couldn't afford the price of milk because the way the milk prices are today, or she couldn't afford the price of gasoline or the price of the three room rent she had, with three kids, and the wife, you get to wondering — what are we doing up here? Isn't it our elected responsibility to represent this unorganized person? When you do vote today, I hope you will think about this woman who I met, and I urge you to defeat the pending motion.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I went out after I got through my last remarks, and I was told by a learned gentleman from the unmentionable body, who might be standing in back of the hall of the House, he said, "Where do you get off talking about shoes and stockings, you've only been wearing them for a year?"

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 Dixfield, Mr. Rollins, that the House accept Report B "Ought to pass" as amended by Committee Amendment "B". All in favor of Report B will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Birt, Bither, Briggs, Cameron, Cressey, Curtis, T. S., Jr.; Farnham, Farrington, Gahagan,

Hamblen, Huber, Hunter, Immonen, Jackson, Kelley, Knight, Lewis, E.; Lewis, J.; Littlefield, Lynch, McKernan, Morton, Palmer, Parks, Perkins, Rollins, Shaw, Simpson, L. E.; Snowe, Soulas, Stillings, Trask, Trumbull, Walker, Willard, The Speaker.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Brawn, Bunker, Bustin, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Dam, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Evans, Farley, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Garsoe, Good, Goodwin, K.; Greenlaw, Hancock, Hobbins, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaPointe, Lawry, LeBlanc, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulhern, Murray, Najarian, Norris, O'Brien, Peterson, Ricker, Rolde, Ross, Shute, Smith, D. M.; Smith, S.; Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Twitchell, Tyndale, Webber, Wheeler, Whitzell, Wood, M. E.

ABSENT — Bragdon, Brown, Davis, Gauthier, Genest, Goodwin, H.; Herrick, Hoffses, Jacques, LaCharite, McNally, Murchison, Pontbriand, Pratt, Santoro, Sheltra, Silverman, Sproul, White.

Yes, 38; No, 93; Absent, 19.

The SPEAKER: Thirty-eight having voted in the affirmative and ninety-three in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Martin of Eagle Lake, Report A "Ought to pass" was accepted.

The Bill was read once. Committee Amendment "A" (H-744) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act Authorizing a Study of Maine's Forest Products Industry" (H. P. 1952) (L. D. 2498) reporting "Ought to pass" in New Draft (H. P. 2026) (L. D. 2567) under new title "An Act Authorizing a Study of Maine's Forest

Resources and of Opportunities for their Better Utilization" which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought to pass" Report.

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

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

The Chair recognizes the Gentlemen from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct the wording of the calendar. The report I signed was not an "ought not to pass" report but actually was the original bill. This bill came into committee to try to find a way in which to take more advantage state-wide of our forest product industry. There are some problems in this forest product industry that this bill was addressing itself to, and it is merely a study bill.

The difference, between the two bills really is that the original bill wanted to investigate some of the problems in the purchasing of pulpwood and in the selling policies of some of our bigger businesses in the industry. This section of the bill was watered down or take out of the redraft. Another difference between the two bills is, that the original bill called for a five-member commission and the second calls for a ten-member commission, four of which should be legislators. The first commission, the five-member commission, would have no legislators and was strictly an expert type of committee who had spent considerable time on this one question.

I would like to remind the members of this House, that although there was only one signer of the original report, there was only one witness at the public hearing who was not in favor of that original bill. As a matter of fact, the largest landowner in the State of Maine, the largest landmanager in the State of Maine, was in favor of the Minority Report, that is the original bill. The Maine Forest Products Council, which represents all segments of the forest product industry, was in favor of the Minority Report, the original bill.

Several members of a Northern Maine Woodlands Association was also at the public hearing and they testified in favor of the original bill, that is the Minority Report. As a matter of fact, only one witness was opposed to the original bill and that just happened to be an employee of one of the paper companies.

I think it is important to note that all segments of the wood products industry in the State of Maine, except the paper companies, were in favor of the original bill, that is the Minority Report. It bothers me because the constituents I represent, who are in the forest product industry and not the paper companies, but they are the people who cut the wood, who contract for wood and haul the wood to the plants. And if there is prosperity in the woods products industry, which I am sure there is by reading the reports in some of the paper industry annual reports, it does not show up as far as the people who are cutting wood on my lands.

I am here representing those wood cutters and those jobbers and they are not participating in the prosperity of the wood products industry. I think as a legislature we should address ourselves to this question; how can the State of Maine best benefit from an increased wood products business? Another question which the original bill could get into which the amended version can't is this whole question of exporting our saw logs. As a matter of fact, we export almost half of the saw logs in the State of Maine, either to Canada or some other state. That is 25 percent more than we did five years ago, so the trend is growing. Even though we do export half of those saw logs the wood products industry does employ 11,500 people, and it does have a value productivity of \$250 million. Now, if we have laws in this state or at the national level which are encouraging us to export our saw logs you can say that we can almost double that labor force in the wood products industry. We can almost double their productivity if we can hold some of those logs here and process them here in the State of Maine.

If you will take a trip up along the St. John's Valley and talk to those people who watch every day Canadian cutters coming into their lands cutting the

Maine logs, loading them with Canadian labor onto Canadian trucks and hauling them back across that river where they are sawed and processed in Canada, Canada gets the complete benefit of those saw logs. And then the finished product is brought back into this country and marketed. If you saw that like I have seen it then you would say, too, that it is time that we took a look at what is going on in the State of Maine and it is time to ask some of these questions about who is deriving the prosperity from the forest products industry?

The original bill that we have would do that. The amended version will not. So, I guess it is a matter of who we are representing. Are we really representing the people cutting the wood, hauling the wood, the small mill owners, and the people in the small forests products businesses or are we merely representing a few paper companies here? I submit if you are representing the vast number of people in the forest products industry you, too, will accept the original version which is the Minority report, and I would urge you to vote against the Majority report so that we can accept the Minority report.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: In answer to Representative Smith's remarks, and I feel very strongly for some of the things that he does. However, I do not feel that in a special session that a bill such as this that came in, with all the ramifications that were contained in it under the guise of the Nadar report which came into our state and took on our paper interests. We felt that a five man commission, which the original bill called for, appointed by the Governor, which at this time I don't see how they could have kept it nonpartisan or kept it the way that we felt that the forest products industry should have had. We do feel sincerely that we have come up with a rewrite of something that can be very workable with ten people on it representing the legislature and various members of the industry and those concerned with bonded Canadian labor as well as those paying under the tree tax gross tax.

There again, I question the advisability and feasibility of allowing and permitting some of this legislation to come in during these special sessions that have such far reaching ramifications and results that can come about from them. This is an honest effort by the committee to allow a sponsor of a bill to get a bill out that you can live with. It calls for quite a bit of funding. We are told that \$50,000 is not going to scratch the surface, which is on there for the amount. So I am very frightful of just what this could cost. I think we do have limitations on time in the bill. So I do feel that under the guise of what this started out as that we have tried to come up with an authentic piece of legislation which can take into consideration the future and the products, wood products, of Maine.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of the original bill here. Things that Mr. Smith from Exeter has told you, in my best judgment, are all true in respect to what happened at the hearing. A vast majority of the forest products industry did show up at the hearing in support of this measure. I think, however, that perhaps today we ought to accept the Majority report for a number of reasons.

First of all, the redraft does essentially three things; it changes the complexion of the commission from one which was sort of open-ended, in that it gave no specifics as to who should be appointed to the commission. I think probably that the redraft on this point — I think I would have preferred it the way it was, but I think the redraft is probably adequate today, that a good commission can be structured. I have thought it over considerably, and I think on this point probably the majority report is all right, the redraft is all right.

Second of all, the majority report removes the subpoena power. The major reason for putting subpoena power in there in the first place would have been to be able to enable the commission to get information that is needed in order to inquire into anti-trust questions which it

was supposed to take up under the terms of the original bill. However, the anti-trust matter has been taken out of the bill and, therefore, I think part of the subpoena power is unnecessary. It seems to me that probably if facts reveal themselves in the course of this study which would require anti-trust action or attention to the anti-trust issue, it probably can come back to the legislature and tell the story in some sort of a hearing.

Second of all, probably the Attorney General would be in an position if substantial evidence were uncovered to warrant an anti-trust investigation to take that issue on.

Thirdly, I think on the anti-trust portion of this original bill, I am afraid upon reconsideration that probably there would be so much just in the anti-trust action alone, and the investigation alone, that none of the other work could get. Probably that could be regarded as a separate issue in the regular session or if evidence was uncovered in the study of the other matters that are in the minority report. So although there is no doubt about it the Minority report is stronger, the majority report is weaker than the minority report in terms of ability to get information. I still think that probably the minority report will do much to inform us as legislators as to what some of these questions with regard to the forest products industry will reveal. I think that we can be net gainers with the majority report. I think that probably the minority report cannot be passed.

I am going to sit down now before I confuse anybody with any more.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I also spoke at that hearing because, obviously, many of the problems that were uncovered or discovered or discussed arise in my back yard. Many of the people that are affected by this are constituents of mine, and also of the rest of the members of the Aroostook County delegation or Somerset-Piscataquis areas.

What the gentleman from Exeter, Mr. Smith, discussed in terms of the amount

of lumber that is presently being cut by the Canadians and presently being hauled across the border and then in turn comes back in processed form to compete on the Boston market against Maine lumber and Maine lumber dealers is indeed true and a real problem. I think that somehow this is, anyway, is going to be a start. I think that the majority report will be a start in that direction. I, too, have preferred the minority report but I am going to go along with the majority report since I think this one can become reality and make a start into what I consider, and many people in my area, consider to be the most serious problem economically and socially that we have.

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

Mr. SMITH: Mr. Speaker and Members of the House: I am getting inundated with notes. I realize I inverted minority and majority frequently in that little speech. But I tell you, never be running up from the library with an arm full of books and then try to make a speech right after it is on the floor, it just doesn't work.

The fact is that I think that the majority report ought to be adopted. And I think you probably have gotten the message of how I am thinking on that. But at any rate, I hope the majority report is adopted.

The SPEAKER: The pending question is on the motion of the gentleman from Bar Harbor, Mr. McLeod, that the Majority "Ought to pass "Report be accepted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

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

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

Bill "An Act to Provide a Maine Homestead Property Tax Exemption Law" (H. P. 1608) (L. D. 2073)

Pending — Motion of Mr. Susi of

Pittsfield to accept the Majority "Ought not to pass" Report.

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

Mr. MARTIN: Mr. Speaker, I move this lie on the table one legislative day.

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that this matter be tabled pending the motion of Mr. Susi of Pittsfield to accept the Majority "Ought not to pass" Report and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 46 having voted in the negative, the motion did prevail.

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

Bill "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities" (S. P. 737) (L. D. 2149) (C. "B" S-374) which was tabled earlier in the day and later today assigned.

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

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I have here before me the Portland Press Herald dated Saturday, March 9, 1974. Under editorials, gentlemen, I am proud what they said about me. It is the first time they have ever given me a writeup in the world. They said I exaggerated. That was very obvious, it said, but the part I didn't like about it is when they slandered our female sex that do not commute. I will break the words, so I will not be using a vulgar word, and you can put it together and you will know what I am talking about.

I say, "There may have been before the legislature more time devoted to drinking than thinking. There may be

legislators that don't commute because they would rather be 'hooring' about Augusta at night than going home. They may have been, or there may have been legislators who smoke marijuana." Gentlemen, I commute, so of course it doesn't apply to me. But the gentleman who wrote this, if he knows what this 'hooring' really is, it is a lewd lady who is a prostitute that is up for pay, and I don't think we have any of those in this House. I think that man that wrote this, or woman, whoever the editorial writer is of this paper, owes an apology to those ladies, because a man cannot be one of these according to the definition. He can be one of these masters, or he can be one of these, this word 'dome, but he can't be one of these 'hoorings', he can't be one of those, it must be a female. So I think that the gentleman, before he puts any more of this type, would know more about the English language.

I want this press to know, they gave me the best ad that I ever got in the paper and didn't have to pay for in all my life. I have never received so many calls in my favor. They said they didn't intend to vote for me, but they heard this they sure were going to. And when they say that I have lied, exaggerated, in other words, they didn't say lie, I want them to look on page 22 in the same identical paper where they say: Lawmakers earlier have suggested that they would block the funds if the University failed to halt the conference and to ban the homosexual club. The University refused to do so. The Wilde-Stein club considered cancelling the conference. Now while Wilde-Steiners didn't want to do it, and the University does, I wish the vote was coming up again now on the amount we did.

I did want you to know it was in the paper, and I don't think any of us or myself ever quoted anything on this floor that I didn't read in the press first. The only thing about this in the press that they printed that I did not say, I saw one place where they said they had 30 of these homosexuals. I saw another place where they had 20 and now they have reduced it down to 8 or 9. I don't think they know anything about it.

Mr. Bither was granted unanimous consent to address the House.

Mr. BITHER: Mr. Speaker and Members of the House: I would like to read to you, maybe you haven't read it lately, what it says on the package of cigarettes. It says "Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health." I have sat in this room nearly five hours. I have had to leave every 10 or 15 minutes because of the cigarette and cigar smoke. I think the fans are on now at my suggestion. I just wonder if there isn't anything we could do. I could suggest that they refrain from smoking once in a while. It has been terrible in here today, Mr. Speaker.

I know that I am going to die of cancer of the lungs, but I hate to do it second-hand.

The SPEAKER: The Chair would inform the gentleman that the blowers have been on today.

Mr. BITHER: I think I had them turned on just a few minutes ago.

The SPEAKER: They were on earlier than that.

Mrs. White of Guilford was granted unanimous consent to address the House.

Mrs. WHITE: Mr. Speaker and Members of the House: I just had to call to your attention that there was something we could do last session, but we didn't do it. Three of us had bills to restrict smoking, if you recall, in public places. Maybe next time it will fare better.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until ten-thirty tomorrow morning.