

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

Wednesday, March 13, 1974

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

Prayer by Representative Louis Finemore of Bridgewater.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Davis of South Addison presented the following Order and moved its passage:

ORDERED, that John and Marie White of Dover-Foxcroft 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. 934)

ORDERED, the House concurring, that Senate Paper 831 directing the Committee on State Government to report out a bill to Redistribute Certain Statutory Powers now Vested in the Executive Council be hereby rescinded.

Came from the Senate read and passed.

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

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

Mr. McMAHON: Mr. Speaker, is the House in possession of H. P. 2023, L. D. 2566, An Act, establishing a Legislative Compensation Commission?

The SPEAKER: The Chair would answer in the affirmative.

Mr. McMAHON: I would move we reconsider our action whereby we indefinitely postponed this bill yesterday, and I would speak to my motion.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves that the House reconsider its action of yesterday whereby it indefinitely postponed L. D. 2566, A Resolution Proposing an Amendment to the Constitution to Establish a Legislative Compensation Commission. The gentleman may proceed.

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: Very honestly, I was asked to make this motion since I was on the prevailing side yesterday and voted for indefinite postponement.

My main objection to this whole subject yesterday was to place this in the Constitution. And this is why I spoke originally against the bill and the gentleman from Standish's amendment which was also defeated. I don't have a great deal of objection to the creation of this Commission on a statutory basis and allowing it to make recommendations. The mechanism which was contained in Mr. Simpson's amendment yesterday I did object to because it would of sort of let this legislature avoid making a decision on the subject.

However, this bill, which I carefully reread before agreeing to make this motion, would not do that. Therefore, I do hope you will vote to reconsider so we can further discuss this particular bill.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: As sponsor of this piece of legislation, I oppose the motion to reconsider.

Yesterday, we discussed at great length the possibility of placing in the Constitution a legislative pay commission that would study the pay for the legislature every four years and to make their recommendations, and if we failed to act upon it, it would become part of the law. Okay, that went down. Now it comes to the point, should we put in the statutes this type of a commission?

Many of the arguments that were given to us, including the argument just given to us by Mr. McMahon, was the fact that we should handle our own problems. I think the same holds true here. Right now we are experiencing financial problems of funding some very worthwhile programs that will probably go down to defeat because of a lack of funds. And now, within this particular bill we would place in the statutes another agency, give them \$5 thousand so that they could review the problems that we have within our salaries or our workload. I think, if we are going to face

the fact that we don't want it in our constitution that says we receive it, then let's face it head-on. I've always said that I am willing to face it head-on. I've always said that I am willing to face it head-on. I'm not opposed to saying that if I need a salary increase; that we need one or want one; I'm not afraid to vote for it or against it. And I don't believe there's probably anybody that realizes any more than us whether we do or do not need that type of legislation.

Therefore, I oppose the motion to reconsider. I do not believe we need this particular agency. I respect the fact that we had a commission that studied this. We created the commission. And as I said yesterday; I think if we're going to at least establish commissions such as that, that we should give their findings at least a fair day on the floor. Their recommendation was put on the floor yesterday in the form of an amendment and it was turned down by this body. Therefore, I honestly believe that we do not need a commission in the statutes, and that we should handle our own problems; take a look at our own salaries, whether they are just or not; whether we need any type of an increase in per diem; and then handle it accordingly.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I think, with respect to this Legislative Compensation Commission, there are three or four considerations that we ought to make.

First of all, it seems to me to be an eminently reasonable proposition that legislative pay levels ought to receive more than the usual amount of citizen scrutiny. Unlike pay adjustments for other areas of government, we alone make the consideration, or have in the past. It doesn't go through the budget office. It doesn't come from a Department. It doesn't receive the attention of the Governor's office. We alone have sat in judgment of our own salary increases. I think that has not been a consideration that the people of the State of Maine have favorably viewed. I think that all salary adjustments ought to be looked at by

more than the body that is going to enjoy them.

Prior to the establishment of the present commission, which is now going out of operation unless we enact this bill today, there has been no real study of the needs of the people of the State of Maine done on salary adjustments for legislators. It seems to me that is the most important consideration, and not our own desires here. Legislative salary increases, traditionally, have been taken care of or been concerned in a rather cavalier fashion, in an indeliberate fashion the last minute of a legislative session. They have not been studied. They have not been looked at from the point of view of all the people of the State of Maine.

I think this study commission has done an excellent job of presenting you with an overview and with an in-depth study of all the needs of the people.

Third; it seems to me that the support of a high level study commission, such as the one that we have had here in Maine the last year or so, looking at legislative pay adjustments — a highly eminent group of citizens — will do much to remove the controversy surrounding legislative pay adjustments here in this State; and will do much to inform uninformed citizens of the need for such adjustments.

Mr. Simpson has told us he thinks this issue ought to be faced head-on. I'm not saying any commission ought to make our adjustments for us. But it seems to me that a commission that has and will go around the State of Maine to actually find out what the citizens want and what they think, such as the one we have, is an excellent idea.

I hope that today we will follow the recommendation of the gentleman from Kennebunk, Mr. McMahon; reconsider this issue; and pass it to be engrossed.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I also agree that this body must and should make the final determination as to legislative salaries.

What I objected to in Mr. Simpson's proposal yesterday was the mechanism

that would have allowed this body to avoid making that decision.

Now this bill, if we do in fact reconsider it, would create a commission and make it advisory, which would give this legislature a point of departure for discussion.

I hope you will support the motion to reconsider.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: As one of the signers of the "ought not to pass" report, I would like to express these views.

I think what we want a commission for is to act as a pacifier so that we can justify any increase we make by saying, "Well, the Commission recommended it." Well, there just is no way you are going to avoid biting the bullet whether you have a commission or no commission. Because in the end, even with a commission, you must be the ones to vote on what the salary increase would be.

Now, another thing. If you will look at the amendment that is on your table today pertaining to the salary increase proposed for the next two years, if this amendment is adopted the salary will be set for the 107th Legislature and the 108th Legislature. So if the commission is needed at all, it isn't going to be needed until the tail end of the 108th legislature. And this would be just premature to do this today.

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

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

I think the young gentlemen, two young gentlemen, this morning have spoken in favor of this bill that has been called back to us are not taking into consideration we have 184 members in these two bodies. And I think they all are capable members, the young ones and the older ones. I served five terms here, on the fifth term. And I have always been able to get along with the salaries that was set.

And I attended one of these meetings last summer at Presque Isle. And I thought the group that was picked, I

thought they themselves didn't want to be picked to tell us what our salaries should be. Because they weren't qualified to tell us what our salaries should be. I don't believe you can go out here in the field and have a meeting in Houlton or Presque Isle or somewhere like that, and find people who understand what we do down here. I think the newspapers right today are proving that point. They tell us in the newspapers we're dragging our feet. But I don't know of a group that's worked any harder since I have been in legislature than we have this last two or three weeks. The amount of bills we've had, the amount of bills we've processed, and passed, and killed; and, as Mr. Farnham, the gentleman from Hampden, has mentioned; we have an amendment on our desk this morning that is reasonable. I think it's high enough, considering the fact that we are holding back the State Employees on their pay raises. We are holding everyone else to 5.5 per cent.

On this, we are asking the first year to be increased to \$3,750. That's a good increase, \$1,250. Then \$1,000 for the last part of the year. And then we go along into the 108th the same way. I can't see any use of this commission. Because I believe this amendment — that amendment, I might say, is 756 — I can't see where we even have a chance to even to use the Commission. And I don't like it. We aren't sending people out into the field. We aren't sending people out into the field to tell us what the State Employees will receive. Why should we send them out to tell us what we should receive? If we can't set our own salary we better go back home and hide.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I would remind the young gentleman that has asked for reconsideration on this that this State Government Committee is well-qualified, through public hearings when the public can be heard, and anyone else interested, whether it be from bureaucracy, the Governor's office, or whatever; have been able to decide the salaries of the Chief Justice of

the Supreme Court, the Governor, and all the rest of Maine Government. I don't see why we should abrogate the rights of this committee and bypass their abilities to go to the public who knows very little about what actually happens and takes place here. Many of them think that the only time that we do any work is when we are sitting at this desk listening to the Speaker pound the gavel or someone sounds off on perhaps the length of trout or something like that. But this goes far beyond that. And our committees deserve to be heard.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The remark was made about the eminence of the members of the Committee. I have no doubt that the members of the Committee were eminent, although, I didn't see any eminent shoemaker, eminent public works employee, eminent millworker on this committee. And they are entitled to know what is going on also.

Now, the committee was so eminent and did such a fine job that when they got through I had them admitting to me the change and the compromise that I had told them I wouldn't go along with, but if they were going to have a raise that this might be a well way to do it. How can you conceivably go to a group of people in this town and spend two or three hours and go to another group in the town and spend two or three hours?

Ordinarily, a guy has to for us, on your side; and the 'aginners' are working.

I hope this reconsideration motion does not prevail. And I ask for a roll call when the vote is taken.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests a roll call. 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 for a roll call, a roll call is in order.

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

Kennebunk, Mr. McMahon, that the House reconsider its action of yesterday whereby L. D. 2566 was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berry, P. P.; Boudreau, Briggs, Bustin, Carey, Chonko, Clark, Conley, Connolly, Cooney, Curran, Curtis, T. S., Jr.; Davis, Drigotas, Dunleavy, Emery, D. F.; Farley, Fraser, Gahagan, Gauthier, Genest, Greenlaw, Hobbins, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, Martin, Maxwell, McKernan, McMahon, Mills, Morin, L.; Mulkern, Murray, Najarian, Perkins, Peterson, Smith, D. M.; Soulas, Susi, Talbot, Tierney, The Speaker.

NAY — Albert, Ault, Baker, Berube, Binnette, Bither, Bragdon, Brawn, Bunker, Cameron, Carrier, Carter, Chick, Churchill, Cote, Cottrell, Cressey, Crommett, Donaghy, Dow, Dudley, Dunn, Dyar, Evans, Farnham, Farrington, Fecteau, Finemore, Garsoe, Good, Hamblen, Hancock, Huber, Hunter, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, Mahany, McHenry, McNally, Merrill, Murchison, O'Brien, Palmer, Parks, Pratt, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snoue, Sproul, Stillings, Theriault, Trask, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.

ABSENT — Birt, Brown, Dam, Deshaies, Faucher, Ferris, Flynn, Goodwin, H.; Goodwin, K.; Herrick, Hoffses, Jackson, Jacques, Kelley, R. P.; McCormick, McTeague, Morin, V.; Morton, Norris, Pontbriand, Ricker, Santoro, Sheltra, Smith, S.; Strout, Tanguay, Trumbull, Whitzell.

Yes, 48; No, 74; Absent, 28.

The SPEAKER: Forty-eight having voted in the affirmative and seventy-four in the negative, with twenty-eight being absent, the motion does not prevail.

Reports of Committees Ought to Pass in New Draft

Committee on Transportation on Bill "An Act Relating to the Powers of Maine Port Authority" (S. P. 801) (L. D. 2295)

reporting "Ought to pass" in New Draft (S. P. 931) (L. D. 2564) under same title.

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

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

Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act to Provide Information to Used Car Purchasers" (S. P. 758) (L. D. 2189) reporting "Ought to pass" in New Draft (S. P. 928) (L. D. 2560) under same title.

Report was signed by the following members:

Messrs. COX of Penobscot
KATZ of Kennebec
MARCOTTE of York
—of the Senate.
Mrs. BOUDREAU of Portland
CLARK of Freeport
Messrs. DESHAIES of Westbrook
TIERNEY of Durham
TRASK of Milo
MADDOX of Vinalhaven
—of the House.

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

Report was signed by the following members:

Messrs. DONAGHY of Lubec
HAMBLÉN of Gorham
JACKSON of Yarmouth
—of the House.

(Mr. O'Brien of Portland abstained from voting)

Came from the Senate with the Bill indefinitely postponed,

In the House: Reports were read.

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

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

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

The Chair recognizes the gentleman from Gorham, Mr. Hamblén.

Mr. HAMBLÉN: Mr. Speaker, Ladies and Gentlemen of the House: — This bill that you have before you right now is one

that has been weakened considerably from the one that was originally presented to the Committee on Business Legislation. I think the original bill was almost unanimously opposed by everyone.

The bill, at the other end of the hall, was rather soundly defeated yesterday. I don't think we ought to waste any more time on this one, and move that it and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Gorham, Mr. Hamblén, moves the indefinite postponement of the L. D. and all accompanying papers.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I serve on this Business Legislation Committee, and I am deeply involved in the industry of used cars. I had myself excused in the committee from voting on it. I have refused to discuss this bill with the committee members and I have refused to discuss this bill in the hall with the lobbyists, and I would ask this House to excuse me from voting on it.

Thereupon, Mr. O'Brien of Portland was excused from voting on the motion to accept the Majority "Ought to pass" Report.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: Let's not delay this any longer. I will just give you an idea of why. The gentleman who spoke to indefinitely postpone has already made his point. Let's save a little time.

Secondly, I attended the hearing, and at the hearing there were probably four written testimonies by the Attorney General's Office and three people that actually spoke for this bill.

Last year I made a check. There were 188,000 transfers in Maine through the Secretary of State's office for used cars. Seven complaints out of 188,000 to me doesn't seem like enough to warrant a bill of this nature. I do hope that you will indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from Gorham, Mr. Hamblén, that this Bill and

all accompanying papers be indefinitely postponed in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Joint Order (H. P. 2024) Relative to Committee on Appropriations and Financial Affairs to report out a bill requiring the University of Maine to present a line budget to the 107th Legislature which was passed in the House on March 8.

Came from the Senate with the Joint Order indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Ross of Bath, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Dams and Reservoirs" (S. P. 916) (L. D. 2527) which was enacted in the House on March 8.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-721) and House Amendment "B" (H-725) as amended by Senate Amendment "A" (S-387) thereto.

In the House:

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

Mr. SOULAS: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Bangor, Mr. Soulas, moves that the House recede and concur.

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

Mr. KELLEHER: Mr. Speaker, I would like to move indefinite postponement of Senate Amendment "A".

The SPEAKER: The Chair would inform the gentleman that the proper procedure to do that would be to have the House recede and then at that time we can reconsider.

Mr. KELLEHER: Mr. Speaker, I move that the House recede.

The SPEAKER: The Chair would

apologize to the gentleman, the House has not yet adopted Senate Amendment "A". Therefore, the pending motion to recede and concur does have us automatically adopt Senate Amendment "A". The motion to adhere or to insist would exclude Senate Amendment "A".

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I move that we do not recede and concur. What I want to do, I want to kill the Senate Amendment.

The SPEAKER: The Chair would inform the gentleman that if the motion to recede and concur is defeated, then the gentleman could move to insist. We would stand in our former position.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: We had this bill before Public Utilities and there was a companion bill in the Appropriations Committee that called for \$78,000 to administer the original bill that Senator Cummings has presented. We put out three different redrafts on this dam bill.

The SPEAKER: The gentleman will kindly be prudent in the choice of his words, please.

Mr. KELLEHER: Dams and reservoirs, I meant to say. With the redraft that came out of the committee there was an appropriation put on by Representative Norris for approximately \$9,000 to administer, which is a reasonable figure. I can't for the life of me understand why the other body put an amendment on for a thousand dollars. In my opinion, they can't properly administer this bill for the Soil and Water Conservation Commission that will be handling it. So I ask this House to be realistic this morning and oppose the recede and concur motion and then we can go back to our former action.

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

Mr. SOULAS: Mr. Speaker, if it would be in proper order, I would agree with the gentleman. I was just taking the only logical way out. I thought even a thousand dollars would be sufficient, but I will agree with him. I would go back and leave the bill in the original form and get a lot more money.

I hope that you would vote with the Representative from Bangor, Mr. Kelleher, and if so, I will withdraw my motion.

The SPEAKER: The gentleman from Bangor, Mr. Soulas, withdraws his motion to recede and concur.

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Relating to Pilots for the Port of Portland" (H. P. 2007) (L. D. 2550) (H. "A" H-731) which was enacted in the House on March 11.

Came from the Senate with the Bill indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, the House voted to insist.

Messages and Documents

The following Communication:

State of Maine

One Hundred and Sixth Legislature
Committee on Liquor Control

12 March 1974

Honorable Richard D. Hewes

State House

Augusta, Maine

Dear Speaker Hewes:

The Committee on Liquor Control 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 | 10 |
| Ought to Pass | 1 |
| Ought Not to Pass | 4 |
| Ought to Pass in New Draft | 1 |
| Leave to Withdraw | 1 |
| Divided Reports | 3 |

Sincerely,

(Signed)

RICHARD W. STILLINGS

House Chairman

The Communication was read and ordered placed on file.

Orders

Mr. Walker of Island Falls presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Education is directed to report out a bill

allowing SAD 70 to increase its debt limit. (H. P. 2036)

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Berry of Buxton presented the following Order and moved its passage:

WHEREAS, the House passed an order prohibiting the Members of the House of Representatives from smoking within the Chambers of the House; and

WHEREAS, some of the Members of the House have smoked for years and cannot control the craving for nicotine; and

WHEREAS, some of the Members are prepared to take up chewing tobacco to relieve this craving and tension; now, therefore, be it

ORDERED, that the Clerk of the House procure an ample amount of spittoons and that they be strategically located in the House Chamber for the use of the Members.

The Order was read.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday an order was passed by this body which deprived nearly half of the members of this chamber of the pleasure of sitting quietly in their seats and enjoying a nice relaxing smoke. Many of us protested but our protests fell on deaf ears. We recognize and appreciate the fact that you non-smokers are concerned with our good health and we are all aware of the inherent dangers in smoking.

However have you considered that among our ranks there are those who are aged, that there are those who suffer from various crippling diseases, and that it is extremely painful if not down right hazardous for them to keep making those trips to the hallway?

Have you ever considered that you non-smokers are in part responsible for our need to smoke? Many of the bills you introduce make us extremely nervous and keep us on edge almost constantly.

Now, I told you yesterday that I try to be reasonable at all times, and you will note that I am not asking that we be permitted to smoke again. However, I am asking that each and every one of

you ladies and gentlemen, who only yesterday deprived those of us who smoke of that privilege to go along with this order so that we who get nervous will be able to remain quietly in our seats and listen to you nonsmokers talk about things that make us smokers nervous.

I offer to you proof that I am not only reasonable but conservative as well. You will note that my order specifically states that the Clerk procure no more than an ample amount of spittoons. I have not requested any spares or any extra ones.

Yesterday Mr. Bither told us he was serious about his order, and I assure you ladies and gentlemen, I am equally as serious about this order.

I stopped at a small local store last night and purchased their entire supply of chewing tobacco, which I am willing to share after this order is implemented. My apologies if it is not your favorite brand, but I hope it will suffice until you can find a brand that you can feel comfortable with.

I would now ask, Mr. Speaker and ladies and gentlemen, that you afford us smokers some small measure of compassion and give this order swift passage.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I request your indulgence that I might make some observations relative to the order now before us. It is probably well known to most of you that I am the oldest member of this group — in years, I mean. I came here the first time in 1939. It may surprise you to learn that in that session spittoons were provided for the gentlemen of the House. There weren't many ladies in that session. These were good quality, heavy brass spittoons.

What I am about to reveal next many would not believe to have been possible in those "good old days". But I went home from that session with two of these brass cuspidors or spittoons as souvenirs. They are still up in my attic. I have assured my wife that someday I would polish them up and make her some lamps, but have never quite come to the point of getting this done.

At last I now see a way out. If you will pass this order, I will return said spittoons as my contribution to this proposal and thus take a load off my conscience which has been bearing heavily on me all these years. If I told you that in the last day of that session I had seen a good, honest, and fairly sober legislator lowering a typewriter (I mean a machine) on a rope out an upstairs window on to the back lawn, you probably would not believe it. However, I swear it is so. I guess I point out these things to show that even in those days people, and even legislators, occasionally diverted from the straight and narrow.

Streaking we did not have. I am sure that is a digression that will go down in history as a product belonging to 1974, and will probably reach its zenith when the ice leaves our lakes and ponds. This should give some relief from the gasoline shortage.

Homosexuality I suspect we may have had. However, those who practiced it evidently were rightfully ashamed and did not advertise it or recommend it as a desirable way of life.

I am sorry, ladies and gentlemen, I guess we got off the track. Let's get back to good old days of chewing tobacco, Copenhagen, snuff and spittoons. Recollections of the past prompt me to remind any gentlemen (and ladies, too, in this day of equal rights) who are planning to take up this somewhat outmoded habit, that they go out in the woodshed, if they have a woodshed, and practice with a coffee can or a lard pail or some similar container. For if my recollection serves me correctly, even the most experienced used to miss nearly as often as they hit.

And now, ladies and gentlemen, I somewhat seriously suggest that if this session of the Maine Legislature wishes publicity and wishes to be remembered by posterity, let's try this spittoon idea. I think we would stand a good chance of running neck and neck with Watergate and the streakers of 1973 and 1974.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I was under

tremendous strain yesterday, and I can't wait for Mr. Bragdon, from Perham, to bring down his spittoon. And Mr. Berry, from Buxton, was right, he did go all through town and buy all of the chewing tobacco yesterday. I had to buy my supply up in Waterville. For those of you who are interested in some Apple Jack, — I've got some or some Day's Work, but I also went yesterday, because I couldn't wait any longer, and bought my own spittoon. Those of you who happen to go by the aisle here, if you can hang on that long, you are more than welcome to use it.

I was somewhat upset when Mr. Farrington, from China, was having a tremendous amount of trouble, so while I was shopping yesterday, I did get him another pacifier. I bought him a set of blocks. If the Page would bring that over, I would appreciate it, but seriously, we are in need of these spittoons, and we need them badly.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know, but I can't help but sit here and think that a couple of points have been well taken and I think we are wasting a heck of a lot of time. I guess what I would like to do, first move for indefinite postponement of this order and then following that, I would like to move that the order be suspended that we passed yesterday. I think that the point was well taken. I think a lot of good things came out of it. I hope that the smokers in this body realize that the majority of the people were at least requested that they cut back on their smoking. I think we have far more important things to do around here, and if we suspend that rule today, I guarantee you that this afternoon that there will be an order back in here rescinding that one.

Thereupon, on motion of Mr. Simpson of Standish, the Order was indefinitely postponed.

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

Mr. SIMPSON: Mr. Speaker, I move the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the rules be suspended for the purpose of reconsideration of the House Order relating to smoking that was passed yesterday. This requires a two-thirds vote. All in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 40 having voted in the negative, the motion did not prevail.

(Off Record Remarks)

On motion of Mr. Dow of West Gardiner, it was

ORDERED, that Melinda Rediker, Hope Schacht, Darlene Mealey, Lorna Lougee, Jaye Malcolm and Cathy Staples of Gardiner be appointed Honorary Pages for today.

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage:

WHEREAS, the Legislature has required that the National School Lunch Program be implemented in all public schools by September of 1974; and

WHEREAS, there are 169 schools with no available food services and many more that lack the necessary facilities or resources for adequate production of appetizing, nutritious meals at low cost; and

WHEREAS, an improved system of food service to schools is urgently needed which can capitalize on mass production, purchasing and distribution and be available to all regardless of size; and

WHEREAS, relief may be possible through innovative design of a precooked frozen food system for schools which would optimize food quality and costs for new programs as well as provide direction to the future development of the state-wide program; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized and directed to conduct a feasibility study to determine the desirability of establishing a centralized or regionalized frozen food production and distribution center or centers to provide such foods to all schools through grade 8 on a continuous wholesale basis

and to supplement that which is received in donated commodities from the Federal Government; and be it further

ORDERED, that the Bureau of School Management of the Department of Educational and Cultural Services and the Bureau of Purchases of the Department of Finance and Administration be authorized to expend any available funds and to otherwise assist the Council with technical advice and other needed assistance; and be it further

ORDERED, that the Council is authorized to employ professional and clerical assistance within the limits provided; and be it further

ORDERED, that the Council report the results of its study along with any necessary legislation to the next regular session of the 107th Legislature; and be it further

ORDERED, that there is allocated from the Legislative Account the sum of \$40,000 to carry out the purposes of this Order. (H. P. 2035)

The Order was read.

Mr. SPEAKER: The Chair recognizes the Gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Last session we passed legislation requiring or mandating school lunch programs in every school in the State. There has been some hold on this in some areas because of the lack of facilities. In talking with the department, they think it might be worthwhile to develop some form of mass food preparation, centralized in various areas in the State, possibly two or three. Since there are 169 schools in the State at present that do not have available food services and food preparation programs, if we take a good look at this, it might make some sense to use something like the airlines use, a program of this type. I think that the passage of this order and the looking into it would be well worthwhile, and I hope this order will receive adoption.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am slightly concerned over this order. It seems to me to be putting the State in the

frozen food business. I take some question with the term innovated. I submit that this is being a form for all types of institutions across the State. I would hope that this might be tabled a day or two to allow some of us to give some thought to launching a project such as this.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending passage and tomorrow assigned.

House Reports of Committees Referred to 107th Legislature

Mr. Smith from Committee on Appropriations and Financial Affairs on Bill "An Act Transferring Idle, Dedicated Funds in the Maine School Building Authority Account to the General Fund" (H. P. 1879) (L. D. 2389) reporting that it be referred to the 107th Legislature.

Report was read and accepted, the bill referred to the 107th Legislature and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Finemore from Committee on Taxation on Bill "An Act Relating to Income from the Public Reserved Lands" (H. P. 1739) (L. D. 2185) reporting "Ought to pass" as amended by Committee Amendment "A" (H-755)

The Report was read.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I move we accept the "Ought to pass" report and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves the House accept the unanimous "ought to pass" report.

The gentleman may proceed.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This bill deals with the disposition of funds that are derived from the sale of timber, grass, gravel and so forth, from public lots here in Maine. We in the Taxation Committee held this bill for several weeks hoping that the Public Lands Committee would get its bill out dealing with the same area and perhaps indicate what disposition we should make of this bill.

That hasn't happened, so our committee has reported this out hoping that action on this bill could be delayed until action is taken on the bill that will be coming to us from the Public Lands Committee.

I am offering this as an explanation.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out that this piece of legislation here applies to the public lots in the organized plantations. We are not talking about the public lots in the unorganized. This bill was put in to restore what was taken away to the organized plantation in the State of Maine by the piece of legislation we enacted in the regular session. Hopefully, there won't be too much of a problem on this bill.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Strong, Mr. Dyar, and I also agree with the gentleman from Pittsfield, Mr. Susi, and I would like to see us accept the "Ought to pass" report, put it in its second reading. When it reaches second reading tomorrow, I would like to then put it on the table unassigned, until we see what happens with the Grant Plantation Bill, in case it has to be amended to effect that particular piece of legislation. Then we can proceed from there.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: The question to Mr. Susi, if he wishes to answer. I have no objection to the order at all, but I wonder if it shouldn't read that the income received from the public lots on the organized plantations would go to the organized plantation. As I interpret this, and there are hundreds of wildland plantations, the money from the sale of timber on the public lots there would go to the few organized plantations. I don't think that is the intent.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would respond in this way. I don't believe we should be debating this now until we have before us the recommendation from the Public Lands Committee to find out what overall disposition is made in this area.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-755) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Ought to Pass in New Draft New Draft Printed

Mr. Morton from Committee on Taxation on Bill "An Act to Provide for a Temporary Increase in the Motor Fuel Tax and to Create a Task Force to Evaluate the Financing of Transportation Programs in the State of Maine" (H. P. 1806) (L. D. 2286) Emergency, reporting "Ought to pass" in New Draft (H. P. 2034) (L. D. 2571) under new title "An Act to Create a Task Force to Evaluate the Financing of Transportation Programs in the State of Maine"

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Salary, Expenses and Travel of Members of Legislature" (H. P. 1928) (L. D. 2463) reporting "Ought to pass" as amended by Committee Amendment "A" (H-756)

Report was signed by the following members:

Messrs. SEWALL of Penobscot
CONLEY of Cumberland
MORRELL of Cumberland
— of the Senate.
Messrs. NORRIS of Brewer
SMITH of Dover-Foxcroft
BRAGDON of Perham
— of the House.

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

Report was signed by the following members:

Messrs. JALBERT of Lewiston

SILVERMAN of Calais
SPROUL of Augusta
CARTER of Winslow

— of the House.

Reports were read.

Mr. SPEAKER: The Chair recognizes the Gentleman from Washburn, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I move the acceptance of the Majority "Ought to pass" Report. I think possibly I should make a few remarks, although I see that most of you have been looking at this amendment, and I think you probably thoroughly understand it. I will not attempt to explain what we have done.

I would say that the committee gave very careful consideration to the proponents and opponents that appeared before them in the public hearing on this bill. They also gave considerable thought to the recommendations of the Task Force that was set up to study this legislative pay raise. When we first began to consider it in the executive session, it seemed reasonable that we might accept it in its entirety, the recommendation of the Task Force. However, a shortage of money seemed to make it not feasible to do this in the confines of the 107th Legislature. So we come up with the idea of phasing their recommendations in over a two-year period, as I think you will see this by following the amendment.

Later, there was another change of thought that was adopted by the majority of the Appropriations Committee. This change of thought left the second era of the biennium of each, both the 107th and 108th Legislature, just as it now is, with a \$1,000 the first of the session and \$25.00 a day while a special session was in session. We did this, I think, because of the feeling that the legislature has not spoken with regard to annual sessions. I think that there was quite a feeling on the part of the committee that set up a salary, a complete salary, that the task force recommended for the second year of the biennium might presume that we had or intended to go into annual sessions. I for one did not feel that we had done this, and possibly after this session, this special session, there may be some

changed thoughts with regard to going into a regular special session at least a session of any great length.

So that was the reason why we left the second year of both the 107th and the 108th, which you vote is provided for, just as they are. We did buy the idea of the task force and their recommendation with regard to \$25 a day expenses. We called to their attention, as the gentleman from Lewiston has reminded you, that they had forgotten the Indian Representatives. We did provide additional days. I think they now have 20 and we set it up for 30. We felt this was fair, we thought we had done another legislature in general.

I hope you will look with favor upon this majority report of this committee. I think it is as far as we can reasonably and wisely go. Some may disagree with even going that far. The decision is left up to you. I am not urging any member of you one way or the other. This is the way I see it; this is the way the majority of the Appropriations Committee saw it. If there is anything left that anyone might wish to ask questions about I would be glad to attempt to answer it. If I couldn't, I am sure Mr. Jalbert or some other member of the committee could. Are there any questions?

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak in support of this committee report. I feel very strongly about it. I have been around here a long time and during these years that I have been here I have watched some very excellent legislators come here and stay one term and have to quit because they just couldn't cut it financially. They had families. And I think that it is just dead wrong for us to persist in a policy which effectively screens out people in their productive years. Now, if we don't realize this, I think we must be insensitive. We have serious work to do here in this legislature that calls for the very best type of people who are able to make a full commitment. And we have a policy here that is deterring us in this respect. Now, ordinarily I don't read from newspaper articles and what not, but there is an editorial that received

wide circulation here in our State that expresses better than I could express my exact ideas on this subject. And if you will bear with me for a minute I will take a section from it; it says; last year, for example, they created (they being the legislature) a special legislative compensation commission, a panel of individual citizens whose job was to look into the question of legislative salaries and make realistic and honest recommendations for bringing them into line with the agencies of the day. The commission did its work diligently over the summer months; studied what other states were doing. Held public hearings; weighed all the relevant factors and came through with what most observers believe was a wholly reasonable set of proposals.

The commission urged that legislative pay be upgraded to \$7,500 per biennium, plus a flat \$25 per day for food and lodging expenses. By almost any standards it is a modest proposal. And I certainly believe that it is. It is designed neither to make any legislator rich nor to levy an unnecessary economic penalty upon him for the privilege of serving his state. It now looks as though the legislature is again preparing to ignore the best advice of the citizen study panel.

Skipping a section, it says; "A system which imposes an economic barrier against the possible candidacy of the vast majority of Maine Citizens may be democratically intolerable." I want to repeat that; I believe this 100 percent. I have gone around this, perhaps you have, in attempting to get people to run for office. And it is just impossible for most people to run for the Legislature because they just can't afford it. I am going to read this again; "A system which imposes an economic barrier against the possible candidacies of the vast majority of Maine citizens may be democratically intolerable. The most specious argument against adequate legislative salaries is the one which says public service is a privilege and a duty that ought not to be sullied by mere consideration of money."

"Generally speaking people of ordinary means," and that means just about all of us, "are effectively barred from legislative service. The peoples

representatives are drawn from the ranks of the retired, the well-heeled or the specially endowed." I think that a policy like this is doing a great disservice to the people of the State of Maine. When only those of us who have some other means to support ourselves can run for the Maine Legislature there is something very, very wrong. I hope you support the committee report.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-756) was read by the Clerk.

Mr. Farnham of Hampden offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-758) was read by the Clerk.

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

MR. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: You will note that this amendment does not make any change in the gross amount of pay which would be paid over the two year period. It does make a change in the so-called summer allowance. The original bill says that you will get \$200. And this has been changed in this amendment so that it reads \$50, but adds \$50 for each extra town that you have in your district, but with a ceiling of \$200. It was my feeling that it was unfair to allow \$200 to somebody who happened to represent a town which has just 6,500 people and everybody, you might say, under his nose and some legislators that might represent anywhere from 10 to 15 towns have exactly the same allowance.

Now, I do change the distribution of the pay. The committee amendment says \$3,750 for the first year of the session. I do reduce that to \$3,000. The committee amendment says that \$1,000 would be paid for the second year of the session. I increased that to \$1,750. But if you will note that in each case for members of the 107th the total remuneration would be \$4,750.

To go on to the session of the 108th; I reduced the \$5,000 that is due for the first year to \$3,500; the \$1,000 payable in the second year, I increased to \$2,500; but in

each case the total remuneration for the two year period is \$6,000.

I have one or two objectives in mind. First, I think there is a tendency to think only of people on social security. And in speaking on this subject apparently I have a conflict of interest. But I am joined by quite a few now here and will be joined by more in the future. It does make a great deal of difference to those who are on social security how this is spread out. If we leave it at \$3,750 for the first year they lose \$675 of their social security benefits. If we cut it back to \$3,000 for the first year they only lose \$300. And in the second year in neither case would they lose anything. If you want to look ahead to the 108th session; the first year will pay \$5,000. A person on social security would lose \$1,300 on the proposed change where the salary would be reduced to \$3,500 for the first year he would only lose \$550. In the second year of the 108th, changing the proposed salary from \$1,000 to \$2,500, the social security recipient would only lose \$50 that year. Under the \$1,000, of course, he doesn't lose anything. And for those of you who are not familiar with social security; those of us who are on it are allowed to earn up to \$2,400 a year without any loss in benefits. Anything we earn above \$2,400 we lose one dollar for every two dollars that we earn. Most of us will lose some money by this, but that is just trying to reduce the penalty a little bit.

Now, I also think you also should think of some of the people who have no other income other than their legislative salaries. In effect, what you do is give them a fairly stiff income tax the first year of the session, and practically no tax the second year. Whereas, if you spread it evenly they would be at a lower tax rate return and would have a savings over the two year period in income tax and possibly both the state and federal.

Also, for those who are employed and have other income while we are in session; by following the committee recommendations, one year you get a big jump which could move you, like, from the 14, 16 or 18 percent bracket to the 21 or 22 percent bracket. Whereas, by making it a little bit even, sure, your tax rate is going up because you have

greater income, but it might keep you from going into a bracket two or three percentage points higher.

With that explanation, I hope you will adopt House Amendment "A".

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I'm not going to take sides either way, but I might comment that there has been a lot of conversation around me as to whether or not the gentleman from Hampden, Mr. Farnham, was in order. He is in order. Ordinarily he wouldn't be. An amendment would come at the second reading. But what he is doing is amending the Committee Amendment. So on that basis, then, his presentation and his comment, in my opinion, was in order and you may correct me if I'm wrong.

Mr. SPEAKER: The Gentleman is correct.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to the second portion of the amendment. I guess I can speak with some authority on representing more than one town since I now have nine municipalities in my Legislative District. And under that new reapportionment plan, if I should be re-elected and serve in the next Body, I think I will have something like twenty-two. So I have some feeling for exactly what this is supposed to be. I don't think that the mileage necessarily means that a Legislator is going to be spending more of his dollars than the two-hundred that is required in the original bill. I don't think, for example, that a member of a delegation that represents either the Bangor, Portland or Lewiston is necessarily going to do less traveling than I am going to do. Because many of the types of things that I might be doing for constituents could well involve the use of the telephone. I think its only fair that everyone be treated equally and the same way. I, personally, am opposed to the way that this is set up in this amendment. And I

would ask for a Division on adoption of the Amendment.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: As a sponsor of this piece of Legislation I would like to address myself, I guess, to the entire amendment, because one thing that I think many of us have learned in this Special Session is that we probably have established a precedent, which I hope will not continue, and that is the creation of annual sessions, in violation of the Constitution, I guess, which I think that this amendment is just going to push us further into.

Personally, I like to get paid when I work. If we are going to have a regular session and its going to last six months, then I think all of us could be honest with ourselves and say, I doubt if we will ever have a regular session that will ever last less than six months, it would seem to me that, that is when we should get paid, because that is when we are away from our jobs; that is when we have to put food on the table; and that is when a lot of us in business, our business suffers. And a lot of you who are trying to work on an hourly wage, that's when your hours are cut back, or your out, period.

I think because of many things that are happening here around the country today, that there are many businesses that are not going to allow their people to have a leave of absence and come up here and serve, maybe with pay, to get the experience and what have you. Therefore, when you really look at this thing, the way the bill came out, it comes out to the point of \$3,750.00 for the very first year in the regular session. The Constitution says that, that is just exactly what we will have, in one session every two years, so I believe that that is where it ought to be. The Bill also states that we will have a \$1,000.00 the second year, which would more or less cover some of our expenses that we would incur on the second year and, also, if we do have a special session.

I can appreciate the gentleman from Hampden's comments relative to those on Social Security, but I guess we will have to defend the other people in this

Body, too. Take a look at paragraph two, and let's look at a few years down the line, because at that time, the figure \$5,000.00 will be changed and we will have \$3,500.00 during the Regular Session, we'd have a \$1,000.00 changed to \$2,500.00 during the off year; which puts us into that very special annual session known as the Special Session. All right, \$2,500.00, plus your \$25.00 per diem, if we go the number of days we have gone this year, which would be well over a \$1,000.00. We are in fact, in this amendment, we are going to get paid more in the off year than we are going to get paid in the year we're supposed to be here.

Furthermore, in the last part of it, where as Representative Martin brought out, relative the \$200.00, I can't help but think that whether somebody represents five communities, 22 communities, or one community the size of the City of Portland, it has been the wishes of this Legislature, over the objection of some of us, that we still keep multiple member districts. I believe that anyone, whether they be in one municipality, serving sixty-five hundred people, or five municipalities, serving sixty-five hundred people, or whether they be in a multiple member district, where they might be serving seventy thousand, Portland, that the amount of work that we do, when we are out of session, whether it be at night, whether it be weekends, whether it be just answering the phone, just the time spent answering the phone, or the time that you spend on the phone and trying to get an answer, the time you spend traveling to meet people, I think it's time that is involved. It's not as much mileage or anything else, I think it's time coupled with your mileage and your other work. So, I think that the \$200.00 figure, I realize is sometimes hard to break down because of the size of the municipalities and everything, but I think it should be spread right across the board for everybody for the services that they render over a two year period, while we are in session.

We are talking a \$1,750.00 increase, which is \$875.00 per year, really, for a two year biennium. I think the report of the Committee, as it came out, was a

report that's been given a lot of due consideration and talk. I think it's one we can live with, and I think it's one the people in this State can live with. I hope that we will keep that Committee Report intact. And I would ask that you vote against the particular amendment that is before us at this time.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I have to take an unpopular stand this morning against this bill and all its amendments. I don't agree with the gentleman from Pittsfield, Mr. Susi, that more money will make a better Legislature. I feel that we have a good Legislature at the present time. And I have no fault to find with this membership.

I was invited to attend one of these meetings of the Commission and came down and testified.

Mr. SPEAKER: May the Chair inform the Gentleman that the present issue being discussed is House Amendment "A-2", the Committee Amendment "A", and not the entire Committee Amendment today. It was just one issue, of whether or not the payment should be made as indicated in House Amendment "A" to Committee Amendment "A", or in the amendment itself. This is not discussing the entire bill at this moment.

Mr. ROLLINS: Thank you, Mr. Speaker. I would ask if it would be in order to indefinitely postpone everything here?

Mr. SPEAKER: It is not in order to indefinitely postpone the entire bill until we have acted upon these amendments.

The SPEAKER: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that House Amendment "A" to Committee Amendment "A" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading tomorrow.

Order Out of Order

Mr. Hoffes of Camden presented the following Order and moved its passage:

ORDERED, that Betsy Williams, Carol MacLennan, Meredith Strang of Camden, Bradley Meservy of Hope and Deborah Pease of Appleton be appointed Honorary Pages for today.

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

Passed to Be Engrossed

Bill "An Act Repealing Discount Sale Price of Liquor in One State Store" (H. P. 1673) (L. D. 2066)

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

Mr. Kelleher of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-757) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I offer this amendment to this bill that is before us this morning to try to equalize the price of liquor in the state stores. What it will do, is bring the price of liquor down in the Kittery store and bring the price of liquor up, or reduce the benefits that they are getting in the Kittery store and increase ours in the other eighty-six stores in the State.

We have a system here that the Alcoholic Beverage Department works under that they are allowed to make a markup price on liquor up to seventy-five percent or above of what the original cost of handling and the taxes, etc. it simply reduces it back from seventy-five per cent to sixty-five.

There is a fiscal note on my amendment, and its a ball-park figure, believe me. I got the estimates from the Bureau of Alcoholic Beverages, which says we could possibly lose \$1,500,000 dollars in revenue. But in my opinion, this figure is not accurate at all. If we do reduce the price in the other stores in the State, and bring the Kittery price down, I think we will have a substantial increase to our State Treasury.

As I stated yesterday, in my opinion,

of the 690,000 bottles of liquor that was sold down there, that approximately 500,000 of those, or a lot more, would be sold in our respected communities and this is with just six months operation. In the long run, in a period of six months we would be increasing the revenues to the State and not decreasing them. I hope, in fairness to the eighty-eight stores in this State and to the people that they serve, that you would accept the amendment that is on here.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I dislike to oppose the gentleman from Bangor, Mr. Kelleher, because his original bill was one that I was for and one which passed the House with an overwhelming vote.

Now, the gentleman from Bangor states that if we cut the price of liquor, sales will go up and we will recoup any lost revenue. Well, liquor is something like tobacco and gasoline, it doesn't seem to make any difference how high price is. I am going to buy cigarettes and I buy gasoline and occasionally I might buy some J&B. or something, and whether it is \$7 or \$8, if I want it, I am going to pay for it.

Furthermore, I just wonder if it is in the interest of the State of Maine if we increase this sale of liquor. Isn't it going to mean more cases on ADC, more cases of drunken driving and people dead on the roads?

I just hope that you will go along and kill this amendment. I know Mr. Kelleher will not be too disappointed, anymore than I was on my amendment a few minutes ago and go along and send these bills over to the Senate.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House adopt House Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

63 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

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

Bill, "An Act to Provide a Maine Homestead Property Tax Exemption Law" (H. P. 2027) (L. D. 2568)

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

Emergency Measure Tabled and Assigned

An Act Granting Energy Emergency Powers to the Governor (H. P. 2005) (L. D. 2549)

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

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

Passed to Be Enacted

An Act to Correct Errors and Inconsistencies in the Motor Vehicle Laws (H. P. 1788) (L. D. 2260) (C. "A" H-727)

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

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: At this time, I would ask the House to suspend the rules for me to allow me to present an amendment to this L. D.

Thereupon, Mr. Bustin of Augusta requested a vote on the motion.

The SPEAKER: This requires a two-thirds vote. All in favor of the rules being suspended for the purpose of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

The SPEAKER: The Chair recognizes

the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker and Members of the House: I would just like to ask the members of the House to vote for this reconsideration motion so that we can have a chance to debate the amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jacques, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote of the House. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berube, Binnette, Birt, Briggs, Carrier, Carter, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Dow, Drigotas, Dudley, Dunleavy, Dunn, Farley, Fecteau, Fraser, Gahagan, Gauthier, Goodwin, H.; Hancock, Herrick, Hobbins, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, Mahany, Martin, McCormick, McHenry, McMahon, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Parks, Perkins, Peterson, Ricker, Rolde, Santoro, Shaw, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Tanguay, Trask, Twitchell, Tyndale, Walker, Webber, Wood, M. E.

NAY — Ault, Baker, Berry, P. P.; Bither, Boudreau, Bragdon, Brawn, Bustin, Cameron, Carey, Chick, Chonko, Curran, Davis, Emery, D. F.; Farrington, Ferris, Finmore, Flynn, Genest, Hoffses, Huber, Kelley, Kelley, R. P.; Keyte, Knight, Lewis, E.; Littlefield, MacLeod, Maddox, Maxwell, McKernan, McNally, Merrill, Morton, Murchison, Najarian, Palmer, Pratt, Rollins, Ross, Simpson, L. E.; Stillings, Susi, Theriault, Trumbull, Wheeler, White, Willard, The Speaker.

ABSENT — Albert, Brown, Bunker, Deshaies, Donaghy, Dyar, Evans, Farnham, Faucher, Garsoe, Good, Goodwin, K.; Greenlaw, Hamblen, Kauffman, McTeague, Norris, O'Brien, Pontbriand, Sheltra, Strout, Talbot, Tierney, Whitzell.

Yes, 76; No, 50; Absent, 24.

The SPEAKER: Seventy-six having voted in the affirmative and fifty in the negative, with twenty-four being absent, the rules are not suspended.

The pending question now is passage to be enacted.

(Cries of Yes and No)

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

A vote of the House was taken.

80 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

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

Orders of the Day

On motion of Mr. MacLeod of Bar Harbor, the House reconsidered its action whereby Senate Paper 826, L.D. 2353, An Act to Clarify Certain Administrative Aspects of the Saco River Corridor Commission was passed to be engrossed.

Thereupon, on motion of the same gentleman, tabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act Establishing the Office of Energy Resources" (S. P. 832) (L. D. 2375) Emergency

Tabled—March 11, by Mr. Simpson of Standish

Pending—Further consideration, the House passed the bill to be engrossed as amended by Senate Amendment "A" (S-376) as amended by House Amendment "A" (H-728) thereto.

The Senate passed the Bill to be engrossed as amended by Senate Amendment "A" (S-376)

On motion of Mr. Simpson of Standish, tabled pending further consideration and tomorrow assigned.

(Off Record Remarks)

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

reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

(Off Record Remarks)

On motion of Mr. Simpson of Standish,
Recessed until three o'clock in the
afternoon.

**After Recess
3:00 P.M.**

The House was called to order by the
Speaker.

(Off Record Remarks)

Mr. Albert of Limestone presented the
following Joint Order and moved its
passage:

ORDERED, the Senate concurring,
that the Joint Standing Committee on
Education report out a bill offering
alternative arrangements for funding
students living on Federal
establishments. (H. P. 2038)

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

By unanimous consent, ordered sent
forthwith to the Senate.

The following Papers from the Senate
were taken up out of order by unanimous
consent:

Committee on Election Laws on Bill
"An Act Relating to Receipts and
Expenditures for Candidates for Office
of Governor" (S. P. 736) (L. D. 2148)
reporting Leave to Withdraw as covered
by other legislation.

Same Committee reporting same on
Bill "An Act to Prohibit Corporate
Contributions for Candidates, Political
Parties and Referenda" (S. P. 785) (L.
D. 2265)

Came from the Senate with the
Reports read and accepted.

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

Bill "An Act Providing for Maine
Motor Vehicle Insurance Reform" (H.
P. 1963) (L. D. 2504) which was passed to
be engrossed in the House as Amended
by Committee Amendment "A" (H-739)
on March 12. Came from the Senate with
the Bill indefinitely postponed in
non-concurrence.

In the House:

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

Mr. TRASK: Mr. Speaker, I move we
recede and concur with the Senate.

The SPEAKER: The gentleman from
Milo, Mr. Trask, moves the House
recede and concur with the Senate.

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

Mr. SUSI: Mr. Speaker, Ladies and
Gentlemen of the House: I hope that you
vote against the recede and concur
motion. This is the last chance that this
legislature has on no-fault insurance.
This is after several years of concern in
this area, and I think that all of us can
picture tomorrow, what the papers will
be saying. I feel that Maine people have
again been victimized by the selfish
concerns of a few special interests of
being denied a benefit that can be theirs,
should be theirs. It is our responsibility
to furnish it to them, and we are failing
only because the various special interest
groups are saying, well, if I can't have
what I want, the other fellow isn't going
to have his and so forth and so on.

If we vote down the recede and concur,
we could either move to insist or insist
and ask for a committee of conference
and keep this alive in hopes that greater
responsibility will be shown by this
legislature than has been shown so far.

I would ask you again to vote against
the recede and concur motion.

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

Mr. ROSS: Mr. Speaker, Ladies and
Gentlemen of the House: I also am a
proponent of this type of legislation. As I
mentioned yesterday, I sponsored a bill
very similar to this one. Mine was not
accepted, but I care not. I still favor the
concept; I favor this bill. The House
went along with it yesterday by 18 votes.
The other body, although you are not
allowed to mention what they did, they
did not go along with it, but by not very

many. I hope that we can do something to get us together in some sort of a no-fault insurance program for the poor people of the State of Maine, because this certainly will help them with their insurance programs.

I hope that you do not vote to recede and concur, and when the vote is taken, I request it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the Gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a lot of talk from people that represent the two factions warring on this bill. Today, I would like to talk as a consumer on this bill and what the people in Maine who are consumers will talk about. This bill will do nothing for us. It is not no-fault insurance. It is an add-on insurance bill only. This bill fails to meet the requirements of legislation now pending before Congress which would mandate no-fault insurance on those states that haven't adopted this type of insurance.

In other words, if we pass this bill, we have defeated one of the biggest arguments against having a no-fault plan of our own that wouldn't be under federal mandate as to what type of insurance they have. This bill fails to meet that requirement in any way whatsoever.

I feel strongly that if no-fault insurance is offered to the people of the State of Maine, it should be on an optional basis and it should be no-fault insurance in its purest form. I cannot understand how this bill can be called no-fault. In order for insurance to be of this type, it must have a threshold, and this bill has absolutely no threshold whatsoever.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: We have a piece of legislation that is now the only piece of legislation dealing with no-fault before this legislative session. This particular topic has been debated for at least two years and probably been studied as long. Now we have gone through the special session. Possibilities

of getting through in a couple of weeks, and all throughout this time, Maine people were thinking, maybe hoping, that we enact some form of no-fault legislation.

It appears to me that the least we can do today is to make up our minds that we can't work out a compromise, that we will save four to five million dollars a year to Maine insurance holders and not kill the insurance industry. Watching the action by some members of the industry in the halls, I almost have to call it wall to wall lobbyists, and you almost had to fall over them to get to your own office. It seems to me the people back home have a right to deserve it, to expect from us savings in insurance rates that can be given.

The bill that was introduced by the gentleman from Milo, Mr. Trask, is now dead; we can't reconsider in any way, shape or form. But we have one piece of legislation left, and if some people are concerned about certain aspects of the bill, now is the time to do something about it. Now is the time to implement it. Now is the time to work it over and enact something before we go home. I think one of the reasons why Maine people sort of looked at us for any hope at all during the special session was that we would accomplish something involving no-fault. If we don't give them that, I am not sure what we can do.

I know that members of the industry will argue that this is the worst bill that ever walked down the aisle, and I am sure that if that is the case, maybe they want to be in Hawaii where something else went down the aisle, but the point is this, that we have to do it and we can do it, provided that we don't face ourselves with simply starring at one another and saying, "Ain't no way we are going to change what we got, we are going to stay just where we are. We don't care what you compromise, we don't want it. We don't care what you or the consumer want, the insurance industry is going to win out." I am sure that most people in the industry don't believe that, don't want that. I am sure that most of them want to do something to help everyone. I think with the cooperation with the industry and the cooperation of us here, we can accomplish something for Maine

consumers. And I certainly hope that we defeat the pending motion before us.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I wonder where Mr. Martin got his figures on savings in this bill, when he speaks of cooperation. There was an honest attempt a few days ago to compromise these no-fault bills and blend the opposing philosophies into one bill in the interest of Maine people. It was a start.

Mr. Susi introduced the amendment hoping that we, Mr. Tierney and I, could bury the hatchet, not in each other's head but actually bury the hatchet and compromise and pass out a no-fault bill. But oh no, there was no compromising back then — absolutely not. Well, I can't accept this document either. It is not a no-fault bill; it is not that at all. It is an add-on bill allowing business as usual for lawyers. There are no curbs. The abuses in the system remain the same. I hope we do go along and recede and concur.

Mr. Ross keeps talking about his so-called Delaware bill and how well it is working in Delaware. But the facts of the matter are, the people in Delaware are not convinced. And if you were to call their Insurance Department right now, they would give you figures on how well it is working. But if you call them tomorrow, you will get an entirely different set of figures. The answer is very very simple. In Delaware, the Insurance Commissioner is an elected public official. He is not about to tell you that his program is not working. In the interest of furthering his own political career, he is not going to tell you that his bill is not working. I would rather take my chances with our own Insurance Department right here in the State of Maine and not rely on the political ambitions of a politician in Delaware. If that system is working so well, how come they are presently being sued? There is a 12 per cent increase in insurance premiums pending right now with Mr. Ross's Delaware bill, so called Delaware bill. This bill is almost identical to the Delaware bill.

Our own Insurance Department has reviewed this bill in the primacy issue, the priority of payments, under 2956 and

Mr. Tierney's bill, is impossible to coordinate and that is from their lips and not mine. I hope this House does recede and concur.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Very unofficially, I rise to support the motion to recede and concur.

Just because that we say that this is the only piece of legislation that is left before us does not make that piece of legislation right and proper in my opinion.

It has been mentioned that this was studied and it was brought back to us and we have been two years in our proceedings. I would admit that, it has been studied. In fact, it was studied and the commission report that did come out with the study did not recommend this piece of legislation. I would also remind you that when this piece of legislation was part of the \$10,000 actuarial study that this piece of legislation did not come back in the form it is in now, and even the form that it did come back in, that it did not give the insured the reduced premium that the other bill did give.

I don't know when they start talking about consumers, I would like to know what the definition of a consumer is. Maybe I am not a consumer, but when I buy insurance and I pay a premium, seems to me that is a consumer. When I see the difference between what I could have gotten in the other bill and what I can get in this bill, to me that is not what I would consider consumer legislation.

It has been talked about maybe we can work out a compromise. Sure, there has been all attempts of compromises offered. Yesterday the gentleman from Pittsfield, Mr. Susi, offered what he considered to be a compromise. It was turned down flatly by the sponsor and turned down by this body. That was the compromise to put a threshold in the particular bill. Isn't a threshold really where we begin to talk no-fault? And when we start to get away from the court cases that are costing us the increased premiums that we are getting?

Now, we have heard a lot of criticism of the industry, and we have heard it said that there are wall to wall lobbyists

in the hall. Well, it seems to me that I think if you checked the records there are only two lobbyists here, possibly three, as far as the representing of the industry. When individual people come up onto this floor and talk to us you can call that lobbyists if you want to, but I call it people who are concerned about the legislation that is before us.

A few minutes ago you saw the results of maybe 20, 25 people who came in here today, women, who I consider to be lobbyists, who hit every one of us, and who hit the education committee to the point you finally put an order through in here send it forthwith to report out a bill, a bill which is nothing but a part of an education errors and inconsistencies which is being held in the other body, which could be handled by sending it over here and have us enact it. But that is the effect of lobbying. So I don't know who is right or who is wrong when it comes to lobbying, but I guess it makes a difference on whose ox is being gored or just exactly whose rights are being stepped on or infringed upon.

To go along with this same subject; the other day we heard the same thing about the farm bureau, and yet that weekend I heard the sponsor of the particular bill urging everybody to get ahold of us, and urging everybody to appear up here. So that doesn't bother me a bit when you hear talk about lobbyists because maybe you get some good ideas and some good opinions from these people. Maybe if you want to really have a compromise and you want to come out of this with what I consider to really be a consumers bill, maybe we ought to amend it and replace the other bill right into this thing as a portion of it, or almost in its entirety. I realize it can't be done under the guise of an amendment, but there is enough in there that could be, and I think that could get through here. I say; what does the consumer want? I think the consumer wants reduced rates. This particular bill doesn't give it to us. This bill is going to give us an increased cost. I think it ought to have an appropriation on it. We have been advised by the Department of Business Regulation that it is going to be hard to handle, add it is going to be very difficult for them to handle, and I think

we ought to respect that. I don't say it is not what the industry wants; and it is not a case of whether the industry gets all at once or nothing, but I think we ought to respect their position as intelligent businessmen and professionals in their field. Just because they said that they particularly prefer one bill over another does not make this one good or bad. I say that, my own position, that this is a bad bill that we are talking about consumers. I don't think it is going to give us anywhere near what we are looking for in reduced premiums and insurance rates in this state.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: We owe the people of Maine a no-fault insurance bill. There aren't many pieces of legislation in here this session that the people of Maine really wanted, but this is one of them. I can't see us leaving here without passing some form of bill.

I supported this particular bill yesterday, and I hope we can keep it alive. Because I would support some amendments to get it in some position so that we could pass it. But we do owe the people of the State of Maine a no-fault insurance program and we have got to keep this bill alive if we are going to do that. I certainly urge you to vote against the motion.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I am not here to discuss the merits or the demerits of this bill. But I feel I am mandated by the people back home to come back home and present to them a no-fault bill that this legislature has passed. I feel strongly in that line.

These people have been talking no-fault for the last two years in this State, and I know they are demanding a no-fault bill.

As far as this bill is concerned, it can always be amended in one way or another. You could even bring back the Trask bill as an amendment to this bill. I feel that we should do something about no-fault insurance.

As I said before, I feel mandated to vote for a no-fault bill by the people back

home, and I am going to do so. And I hope we keep this bill alive so that we may amend it, put it in such a state that it could be acceptable to all.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: As a legislator here who knows very little about insurances except that the insurance I carry, it gets a little confusing when I hear from the left-hand corner that there is going to be so many millions of dollars saved for the consumer; and yet I hear from the right-hand corner that it is going to cost the consumer more. Now, put the facts before us. How much in dollars and cents am I as a car owner, owning automobile insurance, am I going to save with one of these bills, or how much more is it going to cost me? This is what I think the people back home are considering. Is it a savings or is it not a savings? I wish to have an answer.

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

The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: First I want to congratulate Mr. Tierney as a up and coming lawyer, his presentation has been very good, and a matter of fact, it has been far better than most of the people that have spoken on this bill. However, I have to agree with some of the previous speakers that have said that this is not a no-fault bill he has presented to us, it is a so-called yes-fault bill.

If we buy this we will be the only state in the United States that has such a bill. Somewhere along the line someone picked up this word no-fault and added to it consumer. And now when you say anything against a no-fault bill you are talking against motherhood. Now, this isn't true. There have been commissions, and the Business Legislation Committee that has spent a great deal of time and study on this.

There is one basic that seems to be lost here, and that is there are two reasons

for having a no-fault bill. One of them is to save the people of the State of Maine money. The second is an indirect thing along the same line, but it is to unclog the courts that may have been or might have been clogged by automobile suits. Now, this is not the case in the State of Maine under either circumstance. We are one of the lowest rated states, if you start comparing the present court systems, we are one of the lowest rated states in insurance in the United States. Our courts are not clogged up by auto cases. Now, I am not sure of these figures, but I was told that only one auto case was carried over, as I recall from our hearings, only one auto case was carried over from last year to this year in the courts. Most of this stuff is settled out of court, it never gets to court, as far as the State of Maine is concerned.

Then back on the costs; if you look at the costs, our actuaries told us, and we spent a great deal of money to get this actuary, and he says that between the State of Maine and the lowest rated state in the United States there is only \$2.50 on the average of a policy. As a matter of fact, it was \$2.40. Now, here we are talking about going into the unknown. And I understand Delaware has already increased its rates on so-called no-fault insurance. There are 14 different plans in the United States and none of them are exactly the same. I just feel at this time we could go with good conscience to the people of Maine and say we are not ready for no-fault. We would be doing you a disservice.

I am sure that some of you are sitting back there and saying, sure John, you are an insurance man. Well, I am an insurance man, but I don't sell automobile, I pay the same as you do. As a matter of fact, on an automobile insurance I am a consumer just as you are. I pay full premium for it. I do have some knowledge of it, plus the fact that I have been down there listening hour after hour to a gentleman that always comes up and buttons his coat and says, "I represent the non-insurance company." And this non-insurance company is the one that is promoting the Tierney bill and doing just as much lobbying as among these wall to wall lobbyists. As a matter of fact, I only

know one lobbyist out there for the insurance industry. Now, he must be covering an awful lot of territory if he is wall to wall outside here in the lobby, and under the rotundra.

So, I ask you folks to go along with the Senate, and for the time being, at least, to recede and concur with them, and if you don't I have before me an amendment that I feel must be put on by myself or someone else, because I have a letter from the Insurance Department that said it would cost at least \$50,000 to set up, to regulate, this new no-fault bill. The bill doesn't call for any money. And we are not supposed to have bills go through here that should have money attached without attaching such an amendment. And it will go to the Appropriations Committee. I think we ought to settle it right here this afternoon by receding and concurring with the Senate.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: The comments have been made that the people of the State of Maine are entitled to a no-fault bill in this session. Possibly they are. Frankly, in my own case, I have had absolutely no correspondence relative to any of these bills. I don't know as I have had anybody in my own area speak to me about it. I do realize from talking with people that there are many people who are interested in costs on this.

I think probably there are two things that do come to my mind initially. The biggest pressure seems to be coming from the press. Not quite a year ago there was tremendous pressure from the press to pass a piece of legislation. It did pass this House. I think if it were back in this House today probably and had the same opportunity I am sure it would not be so successful. I am sure the results of the next session, when we start to double, triple, and quadruple our income tax, to fund 1994, which was passed mainly by the press of the State of Maine, and pressure onto this legislature we are going to wish that we did have that bill back. We are running into the same thing with this bill. There were two pieces of legislation before us. The press

seemed to latch on to one. I have never been able to determine why, I can't seem to find an answer. One of them was a consumer bill. The only thing I know about consumerism is what costs the least money. I do have this folder here that was circulated by one of the sponsors of the bill. that the bill would save and it said the average saving was \$6.04 as against the bill that he sponsored an average savings per policy of \$3.62. Well, there is about \$2.50 or \$3.00 per policy. And if you are going to get right down to dollars and cents it seems to me that you should be supporting a bill that is going to save you the most amount of money.

Seems that most of the pressure on this bill that we are considering now may be coming from the trial lawyers. I guess I am bothered a little bit by the trial lawyers action and who they hired to look into after their interests down here in this session. A very, very good friend of mine, a fellow that I have had a lot of association with, a fellow who sat in this seat, but a fellow who is not a lawyer, and it is the first time in my knowledge that a non-lawyer has represented the trial lawyers doing their lobbying for them. The only answer that I can seem to come up with is they wanted somebody with a real good image who could do a good selling job for themselves to kill what was the bill that they don't want, the Trask bill, and pass the bill that they do want.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After hearing Representative Birt speak about the press, I have got to make a few remarks in that regard. I have seen a lot of articles in the press but I have heard a lot from a lot of people who do have insurance, they carry insurance. I wish everybody carried insurance. To tell you the truth, I am not in the insurance business. but what I can hear them tell about saving money; I would like to know how much money will we save the average consumer with this bill here.

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

Mr. ROSS: Mr. Speaker, Ladies and

Gentlemen of the House: As I have mentioned before, I am not in the insurance business, I am not an attorney. Like most of you, I am just a layman. And the reasons for no-fault, and no-fault in a bill something like this, are really very simple. Aside from cleaning the court dockets, it has been said that we didn't need this, I contend that in some courts we do need it. But it will do two basic things, really very basic, it will speed up the payments and it will reduce the legal fees. There costs. It has been mentioned that in Delaware they are after a 12 percent increase at the present time. They didn't mention how much of a decrease there has been there in the last three years. They do want it increased now. But there has been considerable decrease there. I am convinced that this would do something for the consumer, or, since I am not an attorney and not associated with the insurance industry I would not be fostering this bill. I still hope you vote against the motion.

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

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

There has been a lot of talk about the merits and demerits of this particular bill.

At this stage I don't think this should be our major concern. This is the last time around on the subject of no-fault. This is the only bill that we have left before us. The bill wasn't my first choice. I liked the features of the other bill more, but that is beside the point and I think it should be beside the point of all of us here as to how our feelings went on our choice between the two bills.

If we are going to have no-fault, this is the only vehicle we have left. We can amend it however we want to amend it so long as we have something. But if we go along with this motion that is before us now, to recede and concur, we are out of business as far as no-fault is concerned in this session.

I think that we will be roundly criticized, and deservedly so. We will have been victimized completely as the public has been by the actions of people who are more concerned about their own individual welfare than they are the welfare of the public.

I hope that you go against the motion so that we can insist, or insist and ask for a committee of conference.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I hope this morning, or this afternoon, we do go along with this new no-fault insurance, and I will try to tell you why.

Last year I was riding down the road just a short ways below here with my wife and son. I was in my left-hand lane, three cars abreast, one car cut out and hit my car. The young lady, her husband, the car was insured in his name, he was a school teacher, they had the Horace Mann Insurance. She got out and she began to cry, she said I am at fault, I didn't see you, I got out of line.

I was here in the House. My wife took the car back to where I had bought the car. The damage was estimated. A week went by, I didn't even know where the head office was. So I asked a fellow who teaches for them where their office was and he told me. After he told me where the office was I went to the office; I showed him the appraisal that I had. He said this is a fair appraisal, we will be glad to pay it. One week went by, two weeks went by, a month went by; two months went by. I heard nothing. I went to see them. He said, "do you mind if I take a picture of your car," and I said "no, I don't." He come out and took a picture of my car and I said, "are you an appraiser?" He said, "No. I am not, I am an adjuster for the Horace Mann Insurance Company." I said, "Allright." He took the figures and he went in. I heard no more. Another month went by. So I came to the Insurance Commission in Augusta. I saw a gentleman by the name of Mr. Brown. I talked with him and he said, "I know the people down there, the adjuster, let me call him up." He called him up and he said, "Your car can be fixed from that." He said, "Two other people, we have their appraisal." I said, "Mister, no one else has ever seen my car in this world. No one has ever estimated this car with the exception of the D and H Garage in Gardiner, Maine, where I bought this car." He told me O'Ben's had, and he also told me that the

Nichols Pontiac in Augusta had estimated my car. I went to see both of these garages. Mr. Farrington was there and he will bear me out, he heard the story, just as I am. They allowed they had never seen my car in the world. But they said this adjuster, this appraiser for the Horace Mann Insurance Company said that he can do it for that, and he has the appraisal. I said, "I would like to see that appraisal." To my astonishment they produced that appraisal. It was copied word for word for the D and H Garage, and they had reduced the hourly wage on it. That is where they had cut me over \$30 from the amount. I said, "I will never take it." I said, "You are a bunch of crooks in all sense of the word." I said "If you want to appraise my car — "It is alright." He said, "We are going to appraise it now." I said, "You are not going to appraise it." He said, "Where is your car?" I said, "I don't even have it with me." And I didn't have because I had my other car. I didn't want them to have a chance of what the court to say they had ever seen my car, because they had never seen it in the world. So I said alright, "I'll tell you what you do." He said, "You take this car to another appraiser," he said, "I will go to work and pay the amount." I was going to appraiser, he did, and a fellow met me on the street, and he said, "Why, these people do their work for them too, the insurance company, you don't want to take your car there." So, I drove into another garage. I didn't know these people. I said, "I want an honest appraisal on this car and I don't want to tell you one single thing." He said, "Alright we will do it." They appraised my car within \$2.00 of the D and H figure. He had never seen an appraisal, I didn't tell him what it was or anything. I set down, I sent — in the meantime, I got a check for a little over \$90 from the Horace Mann Insurance Company. I took a picture of that check and a picture of all the letters and I sent everything right to the home office and told them if I didn't get my money on this appraisal that I would take other action immediately. I got a telephone call within two nights, long distance. Said, "don't take any action, we will pay the bill." And gentlemen I got the money.

Now if people have got to be insured, and because they don't have the money and they can't fight these insurance companies that can go out here and take someone else and find out what it was, put second hand parts in your car and pay what they like, I think it is high time we had no-fault.

And this story can be checked and I will show you every paper I have certified copies of a picture of the check and every letter and this is going on every day, all over the state. Something has got to be done. The worst part of this is, ladies and gentlemen, after you once have an accident, even though you are not to blame, if that accident is over \$100, your insurance goes up in your company.

Right now my cottage has been broken into. I am insured. I just want to show you how the insurance is today and automobiles and this. The amount is going to be over \$100, so my insurance is going up. I hope that you go along with no-fault today, and that is the reason for it.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

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

I would just like to make a point, where the gentleman from Oakland had a rather sad story about what happened to his car; is that neither of the bills we have discussed at all have any provision in them at all for collision liability. And that if we try to present that as part of a no-fault program we are just putting a great fraud on the people of the State of Maine.

This testimony today, I would ask anybody in this House to refute me on this collision liability. There is absolutely nothing to do with these two bills we are debating today.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: As an ex-insurance agent, I would like to tell you that Mr. Trumbull is right. What Mr. Brawn has told you has nothing to do with this bill at all; has nothing to do with the other bills, or this one here. It

has nothing to do with no-fault in eliminating insurance companies. You are going to have insurance companies on both.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: This particular bill before us I didn't support the first time around. But I am going to vote for it this time to keep the bill alive.

I think we ought to give them a chance to work out some of the problems in this area. If they don't work it out, there is nothing, you know, if we like it, or if they can't come up with some agreement, we can always kill it there. So let's keep the bill alive to give people a chance to put no-fault insurance.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I was in the insurance business for fifteen years; I have been out of it for fifteen years.

And the calls that I have been getting, and I have gotten some from both sides of the aisles. Consequently, at one time I almost stayed at a motel by the name of Last Chance. And upon inspection I was glad that I did not. And I think that this is a sad situation here where we are going to take a bill that will do absolutely nothing for the consumer, and to deceive our constituency in calling this a no-fault insurance bill.

I certainly concur with the Majority Floor Leader in the remarks that he made. I think that we can do much better. This is a lawyers bill. And any excess profits will go to the legal fraternity, believe me.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to clarify a few things and make a few comments on some of the things that have been said this afternoon. It might surprise you to find that I am totally against no-fault. I was not for the other bill, and I am not for this one either.

And I will say to you that I do sell insurance. My business is very limited, but it is in this line that we are talking about. And I am far from being an expert on insurance. But I just say it to you. And the reason why I sell insurance is to make a living and not get on the welfare roll or anything else. And anybody that tries to degrade any insurance man or any lawyer or any part of it, this I can not take.

It has been said here that some insurance agents; that this is done for their own welfare. Well, to be very truthful, if they want to say for their own welfare, I can only say to you, that the amount of commission on the insurance premium is extremely low. And it doesn't make any difference whether you save, five, ten or fifteen dollars on a policy, your insurance agent is not going to get any richer or any poorer.

But the reason why I got up here this afternoon is not to defend any bill. Because I think this is a very deceitful attempt on the people of this State. As it was said here, the people are looking to us to do something. Well, let's do something right for a change. We don't need this no-fault insurance. And I can assure you, and I feel very strongly, that for the safe driver today, the one that qualifies in safe driving, they have all kinds of new plans that have been put into effect, and that are being put into effect and considered in order to lower the premium.

And it has been mentioned here the ones that have no-fault have reduced premiums. Well, look and inquire about what has happened to Massachusetts. And even at the time that they accepted the no-fault in Massachusetts I can recall that they had before then mandatory insurance. And the people here in Maine don't have mandatory insurance. And they don't have to pay for years before they get no-fault insurance; they don't have to pay \$500 a year, \$400 or \$500 a year, as a premium just for liability. And this is what was going on in Massachusetts. And you look at it now. And Massachusetts; the no-fault there, actually, it is a disgrace. It is a disgrace. And people will say, "How come it's a disgrace?" I will tell you why it is a disgrace. It is because

they put in property damage on it. And the property damage on it has actually made the whole program a failure. And this is what can happen here in this State, too.

So I don't question the intentions of anyone whatever way they want to look at it. But I can say to you that I am a consumer. And all I have got to ask you; are all the consumers in this State taxpayers? Well, I am a taxpayer and a consumer too. And it comes out double out of my pocket, not once. And there is no free program. There is no free program of insurance.

When they say that you are going to have a reduced rate; you will have a reduced rate. But you try to collect on the claims. I sell insurance, and I have been with the same insurance company for a number of years. And the only reason I stay with them is because they are prompt and they are courteous and they are considerate and they pay their claims on time, and as fast as we can get to them. And that is the reason why I stayed with that particular company.

So I say to you that, personally, I am not for no-fault; and I am not going to support this bill. And I am going to vote to recede and concur along with the others. And I think that for those of you who are so involved and so worried about what the people of Maine will say; that you owe them no-fault insurance — you don't owe them no-fault insurance. You will do them a great favor by not passing this kind of bill, or both bills that were presented in this session.

So I feel very strongly against this. And I didn't say anything before; I let it ride. But I am sure that all these high hopes are false hopes, hoping that you will pass this here and go into the other body, and suggest a committee of conference, and all that; it will end up to nothing.

So, the thing is, if it was to actually benefit the people of Maine; if I could convince myself that it was; I would vote for it and fight very strongly for it. But I am not for no-fault insurance, no no-fault bill at all.

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

Mrs. CLARK: Mr. Speaker and

Members of the House: I would ask you to join with me today in voting against the pending motion to recede and concur, thereby allowing this House to insist.

We have reached the bottom line on no-fault. And this is after many months of deliberation and spending well over tens of thousands of dollars studying no-fault and receiving the input from the actuarial study on six no-fault bills presented in the 106th regular session.

It seems that at times of crisis, and perhaps this is indeed a crisis for no-fault here today, that both parties of interest, namely; those who support the Trask bill and those who support the Tierney bill, can reach a compromise. Compromises, hopefully, will result if the motion to recede and concur is defeated today. This is in an effort to be accountable to the taxpayers and to the consumers of the State of Maine. We all here in the House are both.

After spending so much money I think that the time is now to reap a product. I ask you again to vote against the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker, Ladies and Gentlemen of the House: I am not in favor of this particular piece of legislation because I do not believe it is in the best interests of the consumers of this State. However, my Leader and some other people around this House have said that they would offer some amendments that would make the bill more palatable, and perhaps offer some real savings to the consumer. And what I would like to see done is someone table the bill and give us the amendments and give us a chance to study them.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I move this item lay on the table one legislative day.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves this matter lay on the table one legislative day.

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

Mr. DESHAIES: I ask for a division.

The SPEAKER: The pending motion is the motion of the gentleman from Cumberland, Mr. Garsoe, that this matter lay on the table one legislative day. All in favor of tabling this one day will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 44 in the negative, the motion did not prevail.

The SPEAKER: The gentleman from Bath, Mr. Ross has requested a roll call. In order for the Chair to order a roll call it must have the expressed desire of one fifth of the members present. All those desiring a roll call will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth having voted in the affirmative, a roll call is in order.

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

Mr. TIERNEY: Mr. Speaker and Ladies and Gentlemen of the House: I found the last hour of debate extremely interesting, and want to assure you that I listened very closely and, indeed, I also did not block anything out, as is evidenced by the gift from the gentleman from Auburn, Mr. Drigotas.

I would like to answer, first of all, the very specific question directed to anyone in the House by the gentleman from Calais, Mr. Silverman, and the gentleman from Old Town, Mr. Binnette. Both gentlemen asked the question; can we expect tremendous savings out of no-fault insurance. And I want to state quite clearly and quite unequivocally that no-fault insurance in this form or in any form in the State of Maine will not result in any tremendous premium savings to the people of Maine.

So if you are sitting there thinking about how you are going to throw your switch; think purely and solely on the fact you want to save the money. It would be easy for me to get up here and quote you statistics and say we are going to save a great deal. It does not do so. Because this bill is going to reduce bodily injury rates nine per cent. However, you must realize this is a relatively small part of your insurance package. And most of the money you spend for your automobile insurance

goes into the property damage part of your policy. And with the cost of automobiles and the cost of labor and the cost of fixing automobiles going up all the time, you must realize that whatever savings we could gain from passing this bill under the bodily injury part would probably be at least matched by the rising cost of property damage insurance. So I want to be quite honest to you when I mention that.

The second major question seems to revolve around the fact whether this bill presents to us pure no-fault, real no-fault, add-on, yes-fault; or whether it is, as the gentleman in the other body said this morning, just a phony bill. Well, if we accept the legal definitions handed down to us from the professors at Harvard University who dreamed up the no-fault scheme about ten years ago, this would not be a no-fault bill. But I see no reason to accept those definitions. I see no reason to say this is not no-fault when we are providing up to \$5,000 of benefits to every person involved in an accident; the driver, the passenger, or pedestrian — providing up to \$5,000 in benefits to all those people without regards to fault. That, to me, is a no-fault bill.

I would like to make one final appeal, and that is, let's not think about the lobbyists. I know this bill has been heavily lobbied. Let's not try to malign the moral character of either the insurance industry or the legal fraternity. Let's try to ask ourselves, just like we ask ourselves on every bill; what does this bill do?

Well, this bill does not take the pain and the suffering out of an automobile accident. But I think it does go a long way towards taking the fear out of an automobile accident, the fear that Maine's citizens have that their medical bills won't be paid; the fear that Maine's citizens have that they are going to suffer a break in their income, they won't have any salary; the fear that Maine's citizens have that they might not be able to obtain the rehabilitative services or the domestic services which they need as a result of an accident. — So this bill, I hope, is a step in that direction; to take that fear out of the automobile accident.

One final word. Almost 200 years ago a

young French Scholar toured the United States. His name was Alexis D'Totful. And he noted an American characteristic; to confuse the familiar with the necessary. I hope we do not make that confusion, and keep this bill alive.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: Again, I want to compliment Mr. Tierney, the gentleman from Durham. He has done a masterful job. I am sure you are going to agree with me, but he has dragged across our paths in a manner that would do justice to Mr. Belligh, who was one of the best known trial lawyers in the United States, or even to some of our TV experts. But he has dragged across our paths a red herring, and if anyone in the House knows anything about herrings, it is the man from Lubec. But he has not answered the questions, except the one that he told you in the start, that this will not save the consumers any money, and I say to you that if you do this, you are going to get into an area where possibly the premiums will go up instead of down.

I think we should go along and concur with the Senate.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Milo, Mr. Trask, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, P. P.; Berube, Binnette, Birt, Bither, Bunker, Cameron, Carrier, Chick, Churchill, Cottrell, Deshaies, Donaghy, Dudley, Evans, Finemore, Flynn, Gauthier, Hancock, Hoffses, Huber, Hunter, Immonen, Jalbert, Kelley, Kelley, R. P.; Lawry, LeBlanc, Lewis, E.; Lewis, J.; MacLeod, Maddox, McMahon, McNally, Merrill, Murchison, Palmer, Parks, Pratt, Shaw, Sheltra, Simpson, L. E.; Snowe, Soulas, Sproul, Trask, Trumbull, Twitchell, Walker, White, Wood, M. E.; The Speaker.

NAY — Albert, Berry, G. W.; Boudreau, Brawn, Bustin, Chonko, Clark, Conley, Connolly, Cooney, Cote,

Crommett, Curran, Curtis, T. S., Jr.; Davis, Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Farley, Farnham, Faucher, Fecteau, Ferris, Fraser, Gahagan, Garsoe, Good, Goodwin, K.; Greenlaw, Herrick, Hobbins, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Littlefield, Lynch, Martin, Maxwell, McCormick, McHenry, McKernan, McTeague, Mills, Morin, L.; Morton, Mulkern, Murray, Najarian, O'Brien, Perkins, Peterson, Rolde, Rollins, Ross, Shute, Silverman, Smith, D. M. Smith, S.; Stillings, Susi, Talbot, Theriault, Tierney, Webber, Wheeler, Whitzell.

ABSENT — Bragdon, Briggs, Brown, Carey, Carter, Cressey, Dam, Dow, Farrington, Genest, Goodwin, H.; Hamblen, Jackson, Jacques, Kauffman, Knight, Mahany, Morin, V.; Norris, Pontbriand, Ricker, Santoro, Strout, Tanguay, Tyndale, Willard.

Yes, 54; No, 70; Absent, 26.

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

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

Mr. ROSS: Mr. Speaker, I now move that we insist and request a Committee of Conference.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the House insist and ask for a Committee of Conference.

The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, I move that we recede so that I may offer an amendment.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that the House recede, which motion takes priority.

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

Mr. SUSI: Mr. Speaker, may I inquire, what is the content of the amendment, please?

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, poses a question through the Chair to the gentleman from Lubec, Mr. Donaghy, who may answer if he wishes.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I am simply offering an amount of money that

has been given to me that will cost extra to carry on this bill. As I understand it, if we do not do it here in an orderly manner, all I have to do is pass this to the Financial Research Office and it will be done automatically and sent to the Appropriations Committee. I hope that we will do it in an orderly manner and except our responsibilities.

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

Mr. ROSS: Mr. Speaker, I would pose a question to the gentleman from Lubec, Mr. Donaghy. Do we have that amendment on your desks?

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

The Chair recognizes that gentleman.

Mr. DONAGHY: No it isn't. I haven't offered it yet.

The SPEAKER: The gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I would now humbly suggest that the gentleman is not in order to offer this amendment, since it is not prepared.

The SPEAKER: The Chair would state that the pending motion, which the Chair feels is in order, is the motion of the gentleman from Lubec, Mr. Donaghy, to recede, which motion is in order and is debatable and upon which the Chair will order a vote.

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

Mr. SIMPSON: Mr. Speaker, I move this item lie on the table until later in today's session.

(Cries of No)

The SPEAKER: The Chair will order a vote. All in favor of this matter being tabled until later in today's session, pending the motion of Mr. Donaghy of Lubec to recede, will vote yes; those opposed will vote no.

A vote of the House was taken.

63 having voted in the affirmative and 57 having voted in the negative, the motion did prevail.

Passed to Be Enacted Emergency Measure

**An Act Providing Minimum
Retirement Benefits for Certain**

Teachers (S. P. 878) (L. D. 2267) (C. "A" S-383)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

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

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

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

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

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Brawn, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Davis, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Farnham, Faucher, Fecteau, Ferris, Finemore, Flynn, Gahagan, Gauthier, Good, Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, McMahon, McNally, Merrill, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Palmer, Parks, Perkins, Pratt, Rolde, Rollins, Shaw, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Susi, Talbot, Theriault, Tierney, Trask, Twitchell, Walker, Webber, White, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Berry, P. P.; Binnette,

Boudreau, Bragdon, Briggs, Brown, Carey, Cressey, Dam, Deshaies, Donaghy, Dow, Emery, D. F.; Evans, Farley, Farrington, Fraser, Garsoe, Genest, Goodwin, H.; Hamblen, Jackson, Jacques, Knight, Mahany, McKernan, McTeague, Mills, Morin, V.; Norris, O'Brien, Peterson, Pontbriand, Ricker, Ross, Santoro, Sheltra, Shute, Silverman, Strout, Tanguay, Trumbull, Tyndale, Wheeler.

Yes, 106; No, 0; Absent, 44.

The SPEAKER: One hundred six having voted in the affirmative and none in the negative, with forty-four being absent, the motion does prevail.

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

Emergency Measure

An Act to Clarify the Duties of the Board of School Directors during Reapportionment (S. P. 933) (L. D. 2570)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Bither of Houlton, by unanimous consent, was ordered sent forthwith to the Senate.

Emergency Measure

An Act Relating to Reimbursement of Providers of Care and Treatment other than the State (H. P. 1962) (L. D. 2502) (C. "A" H-735)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Correct Errors and Inconsistencies in the Fish and Game

Laws (S. P. 765) (L. D. 2196) (C. "A" S-372)

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

Enactor Failed of Enactment

An Act Allowing Incorporated Civic Organization 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 Engrossed Bills as truly and strictly engrossed.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Once again, and very independently, I would like to request a roll call on this piece of legislation.

I have had an opportunity to take a good look at this bill, and also having listened to the gentleman from Lewiston yesterday relative to it, after I gave it more consideration, I think that we are really opening our laws up more than what we really need to be opening them up when it comes to this particular incident.

I happen to be a member of a civic organization, and I was very active in another one, and I know some of the things that they like to do and what have you, but it seems to me to all of a sudden put on the books a bill that would give them the opportunity to have a license so that once a year they could have a function where they could sell liquor for a profit to me is not in the best interest of what we are trying to do in the control we are trying to keep our liquor laws in the State of Maine.

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 passage to be enacted. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berube, Binnette, Bustin, Carter, Chonko, Conley, Connolly, Cooney, Cote, Curran, Drigotas, Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Huber, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Lawry, Lynch, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, L.; Mulkern, Murray, Najarian, Rolde, Sheltra, Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Talbot, Theriault, Twitchell.

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Bither, Brawn, Bunker, Cameron, Chick, Churchill, Clark, Crommett, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Farnham, Faucher, Fecteau, Ferris, Finemore, Flynn, Gahagan, Gauthier, Hoffses, Hunter, Immonen, Kauffman, Kelley, Kelley, R. P.; Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McMahon, McNally, Merrill, Morton, Murchison, Palmer, Parks, Perkins, Peterson, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Sproul, Susi, Tierney, Trask, Walker, Webber, White, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Boudreau, Bragdon, Briggs, Brown, Carey, Carrier, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Dow, Dunleavy, Emery, D. F.; Evans, Farley, Farrington, Fraser, Garsoe, Genest, Good, Goodwin, H.; Hamblen, Jackson, Jacques, Knight, LeBlanc, Mahany, Morin, V.; Norris, O'Brien, Ricker, Santoro, Strout, Tanguay, Trumbull, Tyndale, Wheeler.

Yes, 46; No, 66; Absent, 38.

The **SPEAKER**: Forty-six having voted in the affirmative and sixty-six in the negative, with thirty-eight being absent, this Bill fails of passage to be enacted.

An Act Relating to Certain Dedicated Funds (H. P. 1895) (L. D. 2406) (H. "A" H-732)

An Act to Provide for the Use of Building Code Standards in the Design of State Buildings (H. P. 2016) (L. D. 2557)

An Act Revising Certain Laws

Relating to Passamaquoddy Indians (H. P. 2017) (L. D. 2559)

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

Mrs. McCormick presented the following Order and moved its passage:

ORDERED, that Brooks Brown be excused from Tuesday, March 12 for the rest of this week because of legislative business.

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

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Regardless of what we have heard and what we have read in the newspapers, certainly nothing can be said about the record of people being in their seats when we are convening. I think in all the years that I have been here, I have never seen better attendance than I have at all times at this session. Time and time and time again, we have come within two or three votes of having 151 voting. We had not had that attendance. Probably they were in the halls, probably in the back, but we have not had that in the last two days.

With very due deference to the gentleman from Houlton, Mr. Bither, I am sorry that he is not in his seat, and I don't want to start a debate today, and I hope I won't start one tomorrow, because just like you, I am tired of lengthy and long debates. But tomorrow I will present an order, as a non-smoker, and as one that smoke affects a great deal, I will present an order that will allow smoking in the hall of this House. As a matter of fact, I question the validity of the order anyway. What we do here should be done by rules, and this thing that we did yesterday should have been done, in my opinion, by amending our rules of the House. And I stand on that in a manner of experience. I do this for a very important reason to me. I would much rather tolerate smoke than I had to have someone hold me in the back, as happened yesterday on a very important measure, unfortunately, and I

blame no one, but unfortunately, unbeknownst to me, a roll call had been called for, the bell did not ring, and I can understand that. There is a lot of confusion and a lot of hub-bub here, and we make a tremendous amount of mistakes and anyone in front of us, and there are a lot of errors. In any event, the roll call was called, I was not present because the man that was speaking to me said, "Louie, will you wait a minute and I will finish my cigarette. I want to talk to you." I waited that minute. He finished his cigarette. I missed the roll call, and I don't like it. I would just as soon tolerate a little smoke — and I don't want the blower, either, so tomorrow morning I shall put in an order restoring smoking here, which, in fact, should be done by rule, not by order.

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

Bill, "An Act Providing for Maine Motor Vehicle Insurance Reform" (H. P. 1963) (L. D. 2504) which was passed to be engrossed in the House as Amended by Committee Amendment "A" (H-739) on March 12. Comes from the Senate with the bill indefinitely postponed in non-concurrence.

Pending — Motion of Mr. Donaghy of Lubec to recede.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: We have been trying to buy a little time between the other corner and this corner in the last couple minutes on a few things, because first there was a question whether maybe we could be in a position to recede. Secondly, if we get into a position of insisting, then we are not going to beat the end to a position to amend, and quite frankly, I think I heard an awful lot of debate on this floor this morning to the effect that some amendment would be offered or that should be offered to hopefully put this bill in a position where it might be accepted by the other body and put through here.

The amendment that was going to be offered, at least one of the amendments

that was going to be offered is being printed. It is not before you right now for action. I believe that if any of the rest of you have any thoughts of any amendments, if you were truthful in your statements, the fact that you were going to bring amendments in to try to make it palatable to all of us, I believe the bill should be left right where it is right now, because it would be in a position to amend. If we turn down the motion to recede, then we would be in a position to then have to go to insist and ask for a Committee of Conference. I would either suggest that we either adjourn right now or that somebody table it.

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

Mr. SUSI: Mr. Speaker and Members of the House: I would like to comment on the last remark. The inference was made that many of us feel that the bill in its present form isn't acceptable and it should be amended. I agree with that, but I would like to make this observation. I think perhaps it would be defeating no-fault insurance to vote favorably on the recede motion to amend the bill in here, not knowing what is acceptable to the Committee of Conference that is finally going to have to decide on it. If it goes with amendments that are unacceptable, it would prejudice that committee against acceptance of the bill.

In my opinion, our best chance is to vote down the recede, let the bill go back clean to the Committee of Conference through insisting and asking for a Committee of Conference motion, which we should support.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House recede. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 61 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Ross of Bath, the House voted to insist and ask for a Committee of Conference.

(Off Record Remarks)

On motion of Mr. Simpson of Standish,
Adjourned until nine o'clock tomorrow
morning.