

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 20, 1974

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

Prayer by the Rev. Millett Cummings of Norway.

The journal of yesterday was read and approved.

The SPEAKER: The Chair would like to announce that Page Kevin Farrington, who has been a Page for more than a year with us, has resigned to accept summer employment, and he has been replaced by J. R. Underwood as a Page.

**Papers from the Senate
Report of Committee
Referred to 107th Legislature
Bill Substituted for Report**

Committee on Appropriations and Financial Affairs on Bill "An Act Establishing the Maine Public Transit Fund Act" (S. P. 938) (L. D. 2576) reported pursuant to Joint Order (S. P. 889) that it be referred to the 107th Legislature.

Came from the Senate with the Bill substituted for the Report and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-405) and Senate Amendment "B" (S-407). (Later reconsidered)

In the House, the Report was read.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I wish to move the acceptance of the unanimous Committee Report in non-concurrence with the Senate. The committee report was that we take the money from the bill and we refer it to the 107th Legislature.

At the hearing on this bill, there were not too many proponents. Most of them were from the Portland-Lewiston areas. The gentleman representing the City of Portland informed us that while Portland and that area is doing a marvelous job on mass transit to bring it up to be satisfactory to the traveling public in the city, even doing the best they could, they would be faced with a half million dollar deficit this year which

the city would have to take care of.

He was appearing as a proponent of the bill. However, the statement that the city had to subsidize mass transit, which was well conducted, to this extent, it sure did not impress me as a logical argument for mass transit. I think it told me and our members of the committee that the people of the State of Maine were not ready for the concept of mass transit.

The Hudson Bus Company in the Lewiston area, if I remember correctly — unfortunately I didn't take any notes on this — appeared in favor of the concept. They also, in their testimony, appearing as proponents, they informed the committee that they had been subsidized during the past year to the tune of \$4,000, I think it was — if I am incorrect, I am sure I will be corrected — by the Governor and Council to help make up deficits in their mass transit.

I think perhaps I was selected for two reasons; one, because I specifically requested it to make remarks on this bill, and the Speaker very graciously agreed with my request and it was concurred by the House Chairman of the Appropriations Committee and I am very grateful for their giving me this consideration. I think the other reason that I might have been selected to make this presentation, and I warn you, Mr. Speaker, it may be lengthy and I hope you keep me on the highway. If I deviate, I leave it to you to steer me back on the course, and I am sure you will. However, I hope you will be tolerant if I carry this to greater lengths than you think might be necessary.

To continue with what I said, I think the other reason may be that I was selected to do this was that coming from a somewhat rural area, a Representative from a rural area, namely Aroostook County, that I would not have the pressures, be subjected to the pressures, we will say, that legislators from the more urban areas would be on this subject. However, I went home last Friday night, and I turned on my 8x10 television set just as I went into the house, and lo and behold, who was on the airwaves expounding the benefits of mass transit but the Representative from Caribou, the Honorable Hayes Gahagan. I turned to

my wife and I said, "My God, what won't people do that are running for the Senate to get votes.?" Anyway, I think maybe I will have to modify the remarks that I originally intended to make, in view of the fact that I expect some opposition from the County. However, we County fellows get along pretty well, and I guess we all do about as we see, and I have to call them as I see them, with due respect to other Representatives from the County. Apparently Hayes is somewhat elated by recent developments in the County, namely, the possible construction of Dickey-Lincoln and of course the high price of potatoes and the Aroostook people are understandably optimistic, and of course, the new sugar beet factory opening up helps also. I was fearful — I am sorry he isn't here on the floor—

THE SPEAKER: The Chair would inform the gentleman that Mr. Gahagan is waiting to come in. He did not want to pass in front of you. He is standing right at the back of the hall of the House.

Would the gentleman kindly confine his remarks to the bill.

MR. BRAGDON: Mr. Speaker, thank you. I was sure you would keep me on the track.

I was saying, he was justifiably elated at this in Aroostook County, as I got his arguments on TV, which I assume he may enlarge on here today. He was advocating perhaps a sort of mass transit system from the Allagash clear to Island Falls.

Well, this is a little hard for me to go along with, so as far as I am concerned, I guess all I can say about mass transit is that, in my opinion, the people of this country have had an 80-year love affair, if I might put it that way, with this private automobile, and I don't think we are going to find them ready to give up their old love. It takes them where they want to go, when they want to go, and it brings them back home when they want to go home. Mass transit cannot do this.

Just to feel out the sentiments somewhat in the County, when I was home over the weekend I visited in the Star City of the Northeast. It so happens that my sister lives there, and I happened to be in town about lunchtime, and I never mind saving a dollar and a half and go up and have dinner with her,

so I thought this was a good opportunity to go up and have dinner with her and save a little money, and I would also find out how she felt about mass transit. She is not an old lady. She is a little younger than I am. She taught school for about 50 years. She probably needs mass transit somewhat because here last winter she was walking downtown on the ice to get her groceries and she slipped off the sidewalk and broke her ankle, but she got over that and she is still walking downtown to get her groceries.

So I asked her about mass transit. Well, she said, "Harold, I don't know. I don't see how it can be any good for us. If I have to go downtown and if it is slippery, I pay a dollar and a half for a taxi, and they take me where I want to go and they come right in the door." She said, "You know, if we had mass transit, it would run by my house. I could get on, but Rowena over here a couple of streets, she can't walk. She couldn't get on the mass transit without hiring a taxi to take her over here. And when she got downtown, she would have to hire a taxi to take her where she wanted to go. So I don't believe this is going to do us any good." I couldn't help agreeing with her. I always try to combine two things when I — I did inform you that I got my lunch. And when it is time to campaign, I always carry papers in my pocket. It just so happened that day that I had Jim Erwin's primary paper in my pocket, and I said, "Jim is running again; do you want to sign his paper again?" Well, she said, "You know, Harold, I think that anything we need this time, it is a man with both feet on the ground. I think that Jim Erwin qualifies. As far as I am concerned, I voted for him before and I think that we had better vote for him again. I think he is the most dependable one in the whole group." Of course I wanted to get as many names as I could on Jim's paper anyway, so I got that.

THE SPEAKER: Would the gentleman confine his remarks to the mass transit fund, if he would, please, the motion that you made to refer this to the 107th Legislature.

MR. BRAGDON: I have some things I would like to say, Mr. Speaker, if you would allow me a little levity. I think I will get back to mass transit. Well, yes, I

guess I would like to say that I had another nomination paper in my pocket. This is for a young fellow that is running for Judge of Probate, up in Aroostook County. He is a good candidate and of course I don't like to be mercenary in these things, but I couldn't help thinking that in a few years, you know, I may have to go on that long journey, which all of us have got to take. I thought perhaps if I got a good paper filled out for him, that maybe he will be a little more lenient with my heirs when they come in to settle up my estate, you know. Of course, again, we have a probate study here. Some people think the lawyers take too big a slice of your probate of your estate, when you finally have to have it settled up. I know some of us thought that if we made a study of this that perhaps we could eliminate some of the devious things that they force us to do, you know, and it would help in reducing the cost. So I thought there would be any harm, you know, while we are studying this. I thought perhaps Chauncy Robbins would appreciate it if I got his paper full, and maybe he would be a little more tolerable when the time came. Enough of that.

In the Senate, in the hearing, there was one other candidate for Governor, who feared favor of mass transit. I guess I don't have to tell you that it probably was Harry Richardson, not a very responsible candidate for Governor.

The SPEAKER: Will the gentleman confine his remarks, please, to the —

Mr. BRAGDON: Harry Richardson was speaking for the mass transit bill before the Committee. I was just getting into that, Mr. Speaker. I hope there is no objection to referring to him briefly, because he did appear and I want to qualify him, you know. He is another candidate that most of the time, I think keeps his feet well on the ground. And of course, that was the recommendation my sister gave me for a good candidate for Governor. Sometimes I wonder if Harry keeps his feet on the ground because he is afraid to get them in his mouth, you know. But that is neither here nor there. Anyway, let's see, he made quite a pitch for the mass transit bill. I guess I was kind of surprised with the Senate action. If you will just give me five minutes more, Mr. Speaker, and

let me deviate from the subject, and then I will get back to it. I wonder if any of you saw Richard Nixon on the airwaves last night.

The SPEAKER: Will the gentleman confine his remarks, please, to the mass transit fund? The pending motion is your motion referring the matter to the 107th Legislature, and the Chair feels that President Nixon's remarks of last night are not apropos to that particular issue. Thank you.

Mr. BRAGDON: I hope you will go along with the unanimous report of the Appropriations Committee to refer this transit bill to the 107th Legislature.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Although I had a little trouble following the statement, I thought it was perhaps a bit rambling from the previous speaker I was very disturbed by the gentleman's comments. I think it is too bad if the Maine Legislature is deteriorating to the point that just because we have a primary contest coming up in the near future, because we have elections coming forward, that members of the Legislature are ascribing motives to the other members of the Legislature, who happen to be running for different offices. I think, as I said, it is remarkably unfair and unfortunate to talk about a fellow Legislators motives that way. Fortunately, we should and I think most of us do, take more than just a provincial view of mass transit and the other pieces of Legislation that come before us. This particular bill is very important to the entire State, particularly some of the larger areas of the State, urban areas. I would include my own district in that description, and I hope that we do not follow the motion that was previously made. I hope that we, indeed, will accept the bill.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Gahagan.

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I was standing at the rear of the gallery, and because of the noise I really couldn't hear what the gentleman from Perham was referring to until I heard my name. I

assume, from his remarks, that he is not in favor of mass transit. I would point out that as part of my regular responsibilities I have accepted as a representative, I distributed a Legislative questionnaire throughout the City of Caribou. In the first month of the Regular Session. One of the questions I asked on this questionnaire was, "Do you favor some sort of mass transit activity in northern Maine?" I included passenger train service and rail freight service. And I received an overwhelming favorable response. Since then the energy crisis has come upon us, and I asked the same question again in the first month of the Special Session. And, whereas, last time the support had been somewhere around three to one in favor, it jumped to five to one of my constituents in favor of mass transit. There is a considerable amount of Federal funds available for mass transit. If you read the Maine Times article last week, about mass transit, there is nineteen billion dollars available over the next decade for mass transit on State level. It is four to one Federal to State matching funds ratio.

Now, what this means is that a local community in the State desiring any kind of mass transit, this means a public bus system, for example, would be eligible to apply to Federal Government for this matching money, which would be appropriated by the Congress. We could start up, for example, in any local municipality, a buss service specifically designed for senior citizens, to help them get around to get medications, to help them with their shopping. And it could be set up for public bus service. The City of Portland has received a tremendous amount of money for the Portland Transit Authority. The City of Bangor has received some of this money for Bangor in-town bus service. In the rural areas we too have a need for some type of transportation. We have several of the elderly people in Aroostook County who have difficulty getting around. The nursing homes are not in abundance as they should be so they have to stay at home. I personally can see an organization, such as Northern Maine Regional Planning Commission, or any regional planning commission in the State, applying for some of this Federal

money for a local transit authority, to be used within a region or within a city. This is not implying we are favoring a passenger train service, although this is possible. I hope you will support this appropriation, I understand it has been considerably decreased and it seems to me we should set up the mechanism to receive the Federal money, should it become available.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I want to elaborate a little on the remarks of the gentleman from Caribou, Mr. Gahagan.

He mentioned the City of Bangor which has, in fact, partly in response to the energy crisis and partly just trying to satisfy the needs of some of the less fortunate people in Bangor, has recently instituted a bus service program with mini-buses, which tries to provide some services in town so that the people can get around, who don't have a car or can't afford to drive. Unfortunately, because there isn't a lot of money available and despite the strong, and I think at least as far as monetarily as the city can go effort, the program isn't as adequate as it should be. And in this kind of bill, even though the appropriation has been reduced from the original \$950,000 down to \$50,000, I think, even at that level, we are going to have a chance to generate a total of about \$400,000 or \$450,000, combining State and Federal money. Even this sum would be a significant benefit, not only to Bangor, but to other areas that are having trouble financing whatever mass transit programs they now have.

I think it would be a mistake to accept the Committee Report, which would refer this bill to the next Legislature. Because I think it is important, since the funds that Representative Gahagan, has mentioned is going to become available. We ought to set up the framework here in the State, by which we can go after these Federal funds. And even though \$50,000 is not probably sufficient at this time, I think it is important that we at least get this kind of a program on our books and allow the municipalities to start realizing that they can not only go to the

State but to the Federal level, in order to help, not only start mass transit, but also help on the capital expenditures. I would urge you to vote against the pending motion and that we then concur with the Senate.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I will be extremely brief. I would like to say first of all that their school motto is "Veritas", which is a very important word. Now for many personal reasons I have a great deal of pride in St. Dom's High School. I would like to very briefly today mention that among the students up there today are ten young people, who yesterday served as elected officials in our municipal government of Lewiston and Androscoggin County. I think, with your permission, it will only take me a second to mention their names: Angela Mickalaide, who served as Fire Chief; Bert Godin as Sheriff; Pamela St. Marie, as Alderwoman; Michele Gagnon as Health Officer; Stella Gervais as Model Cities Director; Anne Pinette as City Council; Kevin D'Ambroise as Alderman; Pat Proulx as City Treasurer; Janice Bourque as Welfare Director; and Jackie Fournier as City Planner. In a few short years, they may well be serving up here.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I am really in favor of the concept of this bill, but there is one question that I have in my mind that I was hoping that some member of the House might be able to reassure me on. Coming from a rural area as I do; on page two, under mass transit, under Item 2, it says that serving the general public and moving under prescribed routes. I was hoping that this prescribed route is not too inflexible. I think that some areas that I represent, and certainly other areas of the State, would need a rather flexible situation involved there, so that mass transit, as eventually I guess I hope, as most of us do, that it comes to us, can go to places of need and not be prescribed in the beginning and limit it to such an extent

that we don't have the flexibility that we will eventually need. Hopefully, someone from the Committee or the gentleman who has spoken on this, could reassure me on this point.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Gahagan.

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Casco, Mr. Hancock, any municipality, any county government, any regional organization which is formed exclusively for this purpose can set up its own program, describing its own routes, and then it will be acted upon by the federal government under federal guidelines.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am on the committee that reported this bill out to be referred to the next session. However, it was leave to withdraw, and it has been put back in business in the other branch. Senate Amendment "B" is particularly appealing to me because it involves my community. And on that basis, I would hope that we would go along with this measure and keep it alive.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I also favor the conception certainly of this mass transit bill. I notice that Senate Amendment "A" has a fund, and they have specified \$50,000. I have a question for the committee. What was the original appropriation or request? I don't find it in the original bill, but they must have mentioned a figure before committee.

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question as to the method of financing of the mass transit fund act.

The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker and Members of the House: To answer the gentleman's question, the original figure was \$900,000. If I may, Mr. Speaker, I would make a few remarks on this. I know it has been well discussed.

I feel and I think the committee feels that this is an idea whose time has arrived, the concept is right, but we did vote that we felt that it should be studied and brought forth in the regular session of the legislature. This is a considerable amount of money here that is going to have to be put into this thing to see if you are going to do anything.

In the other body it was agreed with the committee that it would be studied and then presented to the next session of the legislature, and I hope you would go along with that.

As you can see what has taken place in the other branch, there is one amendment and it cuts the appropriation from \$900,000, which we were told this was absolutely necessary, back to \$50,000. There is another amendment that changes the bill, and I think if this continues on, there will be many more amendments. Even though the time is here, I really believe and I think the committee believes that this is something that should be studied and should be worked out and put into a workable position and given the deliberation that is due it, because it is a very important matter. That is why we did not kill the legislation. That is why we did request that it be referred, so that it might be studied.

I hope that you will go along this morning and accept the committee report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you go along with Mr. Bragdon and Mr. Norris this morning. We all know how hard the Appropriations Committee works, and I am not saying that in jest. It is a very responsible committee. They didn't come to this decision easily, I am sure, by reporting the bill out for referral, but I think they did it with wise judgment, because it is a major piece of legislation, as was stated here this morning. There is a lot of money that can and will be involved in this, and I think it would be irresponsible for this House to go along with the other body. I think this House should accept the motion that the gentleman from Perham made, because it seems to be a

reasonable one as far as I am concerned, because this is a major piece of legislation that needs some time and it needs some consideration. The 10-member Committee on Appropriations reported it out as referral, and I should hope that we respect their wishes on this particular bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that the House accept the unanimous Committee Report that this Bill be referred to the 107th Legislature in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Eliminating the Waiting Period under Employment Security Law" (H. P. 2046) (L. D. 2578) which was passed to be engrossed in the House on March 18.

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

In the House:

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

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

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House recede and concur.

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

Mr. McTEAGUE: Mr. Speaker, I would move that we insist.

The SPEAKER: The Chair would inform the gentleman that the motion to recede and concur takes priority.

Mr. McTEAGUE: Mr. Speaker and Members of the House: The bill before us was debated at length last week, and I am certain we recall the debate. The bill basically was the bill reported out by the Labor Committee which would provide for an elimination of the one-week waiting period for unemployment compensation. This House voted on it

once. I would hope that you would vote against the pending motion so that we may insist and not have their will always worked upon us in this field by another body.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House 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 Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Having served on the Labor Committee for a great many years, I am fully cognizant of the employment security laws and this waiting period situation. The waiting period really is established primarily so that they can pay the funds and pay them in a normal manner.

I now have a question to ask somebody. Would it be possible to pay this ahead of time and get it in the hands of the people who are unemployed?

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Time is always a relative thing. We do have a one-week waiting period. There is no guarantee that you even get a check at the beginning of the second week. I am certain that all of us as members of the Legislature have been approached by constituents who are unemployed through no fault of their own, due to the energy crisis, the general state of the economy, or whatever, often men with

families, people on tight budgets with payments to make, and we need to improve even further the administration of the Employment Security Commission. It is complex; it is hard. It would be a misrepresentation to say that if we eliminate the waiting period people will never, if you will, miss a pay check. They will have immediately, with absolute certainty, during that first week the first week's benefit. That may not be possible. It may depend upon the status their file is in, the reports that have come in from employers and depends somewhat on employer cooperation and the administration of the law and, frankly, it depends on the skill and diligence and the level of manning in the local Employment Security Office. So there are many complex factors that don't allow us to say that in every case payment can be made immediately.

There are administrative problems involved in the administration of the law. What we are saying now, though, as I understand it, if a man is out of work for two weeks, he gets one-week's unemployment compensation. What this bill would change, if he is out of work for two weeks, he would get two-weeks' unemployment compensation. We would hope and aspire to the rapid payment of that, but we may not always attain it, because in a sense, it is an administrative rather than a statutory problem solely. But the present law, if you are out of work two weeks or three weeks, you only get one week's or two weeks' of unemployment compensation. This changes, says you get the unemployment compensation for the time you are out of work.

As most of you know, the unemployment compensation law has a rather low benefit ceiling. I believe it is in the low \$60 per week at this time. Perhaps Mr. Ross or one of the other gentlemen could provide the precise figure.

The average weekly wage in the State of Maine today, or I should say as of last summer, was about \$125 a week. So in reality, someone who is out of work, or the average person out of work in the State of Maine, used to receiving \$125 a week, receives about half that or less. If he is in a higher paid industry making

\$150, \$175 or \$200 a week in terms of benefits. So the man who is out of work for two weeks will receive under the present law, which we seek to change, will receive only one week unemployment compensation benefits, and in reality, they will only receive one-half week's salary for two weeks of unemployment.

Ask yourself the question, if you or your constituents were in this position, if you had obligations, which we all have, time payments, payments on mortgages and automobiles and the other obligations that we undertake, what would you prefer? Even though the first week's compensation may not be paid during that week, it may be paid at a later time, God knows, the man that has been out of work for two or three weeks certainly needs it. So I hope that you will vote on this roll call against the pending motion so that we may insist and hopefully pass this benevolent legislation.

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

Mr. ROSS: Mr. Speaker and Members of the House: If this is at all possible, I would favor this because, in my opinion, a man who is unemployed through no fault of his own deserves money for the first week as well as he does for the second, third, fourth or fifth. And I don't believe he should be penalized. The question has always been whether or not it was administratively possible to get the funds in his hands, but as Mr. McTeague has said, even though he doesn't get the funds, he will eventually get them, and I would support the elimination of this waiting period.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Standish, Mr. Simpson, 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 — Baker, Bither, Bragdon, Briggs, Brown, Cressey, Dunn, Garsoe, Hamblen, Hoffses, Hunter, Jackson, Knight, MacLeod, Maddox, Merrill, Parks, Shaw, Simpson, L. E.; Sproul, Susi, Trask, White, The Speaker.

NAY — Albert, Ault, Berry, G. W.; Berry, P. P.; Birt, Boudreau, Brawn,

Bunker, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Mills, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Peterson, Ricker, Rollins, Ross, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Talbot, Tanguay, Tierney, Twitchell, Tyndale, Walker, Webber, Wheeler, Whitzell, Willard, Wood, M. E.

ABSENT — Berube, Binnette, Bustin, Deshaies, Dyar, Herrick, Huber, Morin, V.; Perkins, Pontbriand, Pratt, Rolde, Santoro, Sheltra, Theriault, Trumbull.

Yes, 24; No, 110; Absent, 16.

The SPEAKER: Twenty-four having voted in the affirmative and one hundred ten in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. McTeague of Brunswick, the House voted to insist.

Non-Concurrent Matter

Bill, "An Act Establishing a Commission on Maine's Future" (H. P. 1984) (L. D. 2528) which was passed to be enacted in the House on March 6.

Comes from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-408) in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, the House voted to recede and concur.

Non-Concurrent Matter

Bill, "An Act to Enable the Temporary Extension of Unemployment

Compensation Benefits as Provided by Recent Federal Legislation as a Result of the Energy Crisis" (H. P. 1942) (L. D. 2482) Emergency which was passed to be engrossed as amended by Committee Amendment "A" (H-764) and House Amendment "A" (H-766) on March 18.

Comes from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-764), House Amendment "A" (H-766) and Senate Amendment "A" (S-410) in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, the House voted to recede and concur.

Messages and Documents

The following Communication:

STATE OF MAINE

One Hundred and Sixth Legislature
Committee on Taxation

March 19, 1974

Honorable Richard D. Hewes

Speaker of the House

State House

Augusta, Maine 04330

Dear Speaker Hewes:

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

Total number of bills received in committee 23

Recommitted bills 1

Ought to pass 4

Ought to pass as amended 4

Ought to pass in new draft 2

Divided Reports 10

Leave to Withdraw 3

23

Recommitted bill

Ought to pass as amended 1

(Signed)

ROOSEVELT T. SUSI

House Chairman

The Communication was read and ordered placed on file.

The following Communication:

State of Maine

One Hundred and Sixth Legislature

Committee on Marine Resources

March 18, 1974

The Honorable Richard Hewes

Speaker

Maine House of Representatives

State House

Augusta, Maine 04330

Dear Speaker Hewes:

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

Total Bills Received

in Committee 10

Ought to Pass in New

Draft and New Title 2

Ought to Pass with

Committee Amendment A 1

Ought to Pass 2

Ought Not to Pass 1

Leave to Withdraw 4

10

Respectfully submitted,

(Signed) WALTER S. BUNKER

House Chairman

The Communication was read and ordered placed on file.

The following Communication:

State of Maine

One Hundred and Sixth Legislature

Committee on Labor

March 19, 1974

The Honorable Richard D. Hewes

Speaker of the House

Maine House of Representatives

State House

Augusta, Maine 04330

Dear Speaker Hewes:

The Committee on Labor 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 13

Ought to pass 2

Ought not to pass 1

Ought to pass as

Amended 1

Divided 4

Referred to the
107th Legislature

5

Sincerely,
(Signed) BROOKS BROWN
House Chairman

The Communication was read and
ordered placed on file.

Orders

Mr. Farrington of China presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary report out a bill providing for mandatory sentences for anyone convicted of burglary, arson, breaking or entering. (H. P. 2062)

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

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

WHEREAS, retention of employees of the Bureau of Corrections is vital to the people of the State of Maine; and

WHEREAS, legislation was submitted during the 106th special session to provide additional longevity increases to such employees; and

WHEREAS, such legislation was determined to be constitutionally suspect by the Attorney General; and

WHEREAS, the Attorney General raised concerns about all employees receiving equal protection under the law; and

WHEREAS, the State Government Committee is currently reviewing the equities of the State Personnel system; now, therefore, be it

ORDERED, the Senate concurring, that the State Government Committee study the feasibility of extending longevity increases to all classified employees of the State of Maine and report its findings to the 107th Legislature. (H. P. 2058)

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

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

Ordered, the Senate concurring, that

the Joint Standing Committee on Judiciary is directed to report out a bill relating to the sale or possession of commercial slingshots and the possession of pellet guns in motor vehicles. (H. P. 2057)

The Order was read.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I dislike putting this order in, but I tried four weeks ago to introduce a bill and it was not found feasible. Since then, by Order, a number of bills have been put in. And I would like to explain why this order is necessary.

In the first place, in the Bangor area and many other parts of the State, we are getting a great deal of vandalism in the plate glass windows, windows in private homes are being shot out. This is done with a commercial-type slingshot and air pellet gun. In automobiles the kids drive along, roll the car windows down and blast at the plate glass windows, and windows in private homes, causing a great deal of destruction. Now I realize that the gun end of it is apt to disturb the wrath of any red-blooded Maine citizen. And this bill will read as follows: It does not apply to rifles or revolvers, it applies only to these air pellet guns being loaded in a vehicle. And with the present law no one is allowed to have a rifle or a shot gun or a revolver loaded in his car. So this, in no way, infringes upon anyones right to air guns for target practice or any other legal activity.

The SPEAKER: The Chair recognizes the gentleman from East Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Has this order been voted on?

The SPEAKER: No, the pending motion is the motion of the gentleman from Hampden, Mr. Farnham, that the House pass House Paper 2057. The gentleman may debate the order if he wishes.

Mr. STROUT: Mr. Speaker, one question I would like to ask, so to speak, of parliamentary inquiry, please. Some three or four weeks ago, I asked

leadership if I could put a bill in Special Session, and I was told that it was too late and that I could not offer my bill. The question I ask today is, would it be possible for me to introduce an order to maybe get this bill presented at the Special Session?

The SPEAKER: The Chair would answer that the normal way to get a bill in after closure is; that we have a voted on Order, and it takes unanimous consent of the reference of Bill's Committee. However, another procedure is an introduction of a Joint Order such as the one pending before us.

Mr. STROUT: With that, Mr. Speaker; I move that this order be indefinitely postponed.

The SPEAKER: The pending motion is a motion of the gentleman from East Corinth, Mr. Strout, that this joint order, House Paper 2057, be indefinitely postponed.

The SPEAKER: The Chair recognizes the Gentleman from Lincoln, Mr. Cameron.

Mr. CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I arise this morning to support the Order from the gentleman from Hampden, Representative Farnham.

Two years ago in Lincoln, we had this very same problem. They were going around nights and shooting these air guns out of automobiles. One night, alone, the damage in Lincoln, on the Main Street, was \$2,500 damage, according to the reports from the insurance company. I had two windows in one of my stores shot out. The jewelry store and right from one end of the street to the other, these windows were shot and destroyed. They had to be replaced by the insurance companies. And they carried this on until eventually one of the gentlemen was picked up. It is a little better now, thank goodness. I do think this is a good Order and I hope we will vote in favor for this Order, when the vote is taken.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I know that at the present time a lot of truck drivers are carrying these pistols, these air pellet guns, with them. As a matter of

fact, we have one at home that my wife has in a drawer. I don't see how this Order can be effective. If these gentlemen happen to have problems in their home area, let them introduce an ordinance or town ordinance to do away with these.

I have had no calls from our police chief, maybe because the order was introduced in a hurry. And we had a rash of those a few years back, but I think this has stopped. And I don't see any need for this Order, ladies and gentlemen.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I guess that I asked the question, I have nothing to say really about the Order. But on the appropriations we are considering the Legislative Finance Account, and we have been trying to get some idea when we are going to get out of here. If we are going to go along with this Order business, does anybody have any idea how much longer this session is going to go? At the rate we are going this morning, this is the third Order, we could be here until June. I am just wondering if there is any vehicle, and I am asking leadership, that can be used to perhaps put a halt to this. Because we certainly are digging ourselves deeper and deeper into the hole all the time.

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I guess the whole system of laws is full of finding loopholes. And apparently someone has found a loophole in the use of the Joint Order to circumvent the Reference of Bills Committee, which had put a notice through several weeks ago that would require unanimous consent of all of them in order for the introduction of a bill. As soon as a decision on this order has been completed, I have an Order that I will present and, hopefully, it will lay on the table for one day. And, at that time, adopt it. And I talked with the leadership in the Senate, or some of them, and they

agree with it. It puts in; that the closure shall also include any bill or resolve to be introduced after the closure date or Order directing a joint standing committee to report out the same must be followed through the same procedure, which will eliminate the process of what we are involved in right now. I think this is the only answer we can come up with. We have got to plug this loophole that they have found in the rules.

The SPEAKER: The pending question is on the motion that the gentleman from East Corinth, Mr. Strout, that the House indefinitely postpone House Paper 2057. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

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

ORDERED, the Senate concurring, that the first sentence of Joint Rule 10 be amended to read as follows:

Any bill or resolve to be introduced after the cloture date **or order directing a Joint Standing Committee to report out the same** must be presented to the Clerk of the House, or the Secretary of the Senate, who shall transmit the same to the Joint Committee on Reference of Bills. (H. P. 2063)

The Order was read.

On motion of Mr. Martin of Eagle Lake, tabled pending passage and tomorrow assigned.

Divided Report

Later Today Assigned

Report "A" of the Committee on Transportation on Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles" (H. P. 1789) (L. D. 2261) reporting "Ought to pass" in New Draft (H. P. 2059) (L. D. 2591) under same title.

Report was signed by the following members:

Mr. CIANCHETTE of Somerset
— of the Senate
Mrs. BERRY of Madison
Messrs. DUNN of Poland

KEYTE of Dexter

— of the House

Report "B" of same Committee on same bill reporting "Ought to pass" in New Draft (H. P. 2061) (L. D. 2593) under same title.

Report was signed by the following members:

Mr. GREELEY of Waldo
— of the Senate
Mrs. McCORMICK of Union

— of the House

Report "C" of same Committee on same Bill reporting "Ought to pass" in New Draft (H. P. 2060) (L. D. 2592) under same title.

Report was signed by the following members:

Mr. SHUTE of Franklin
— of the Senate

Messrs. WOOD of Brooks
McNALLY of Ellsworth
STROUT of Corinth
FRASER of Mexico
JACQUES of Lewiston

— of the House

Report "D" of same Committee on same Bill reporting that it be referred to the 107th Legislature.

Report was signed by the following member:

Mr. WEBBER of Belfast
— of the House

Reports were read.

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

Second Reader

Later Today Assigned

Bill "An Act Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams and Brooks" (H. P. 2053) (L. D. 2588)

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

(On motion of Mr. MacLeod of Bar Harbor, tabled pending passage to be engrossed and later today assigned.)

Second Reader

Later Today Assigned

Bill "An Act Placing Certain Limits on Campaign Donations and Expenditures by Candidates for Political Office" (H. P. 2054) (L. D. 2589)

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

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

Passed to Be Enacted

An Act Relating to School Buses (S. P. 722) (L. D. 2134) (H. "A" H-741) (C. "A" S-349)

An Act to Clarify Certain Election Laws (S. P. 914) (L. D. 2526) (S. "A" S-373) (S. "B" S-380) (S. "C" S-388) (S. "D" S-397)

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.

An Act Relating to Salary, Expenses and Travel of Members of Legislature (H. P. 1928) (L. D. 2463) (C. "A" H-756)

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

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: Most of you are aware that I would have attempted to send this matter to a referendum vote if the Appropriations Committee or the legislature insisted on implementing all of the recommendations of the Compensation Committee while I implemented a wage increase that was inconsiderate of the public. Although this increase is not unduly excessive, it is more than I feel should be implemented at this time. But fully realizing the mood of this House and the necessity of implementing some sort of a pay increase to keep up with inflation, I will not make any motion on this matter. However, when the final cuts are made on the many bills that are now on the Appropriations Table, I have confidence in the leadership of this House and the other body that they will give due consideration to such bills as the tax relief to the elderly and other important bills before giving implementation to this bill.

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

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

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

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

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

ROLL CALL

YEA — Ault, Berube, Bither, Cameron, Carrier, Carter, Chick, Churchill, Cottrell, Cressey, Curran, Dam, Deshaies, Donaghy, Dunn, Farnham, Flynn, Garsoe, Gauthier, Good, Hoffses, Hunter, Jacques, Jalbert, Keyte, Littlefield, Lynch, MacLeod, Merrill, Morin, L.; Murchison, Rollins, Shaw, Shute, Silverman, Smith, S.; Sproul, Tanguay, Tyndale, Walker, Webber, Willard, Wood, M. E.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Birt, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Carey, Chonko, Clark, Conley, Connolly, Cooney, Cote, Curtis, T. S., Jr.; Davis, Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Faucher, Fecteau, Finemore, Fraser, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbs, Jackson, Kauffman, Kelleher, Kelley, R. P.; Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, Mills, Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Parks, Peterson, Pontbriand, Ricker, Ross, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Stillings, Strout, Susi, Talbot, Tierney, Twitchell, Wheeler, White, Whitzell.

ABSENT — Binnette, Crommett, Dudley, Dyar, Evans, Farrington, Ferris, Huber, Immonen, Kelley, McTeague, Morin, V.; Palmer, Perkins,

Pratt, Rolde, Santoro, Sheltra, Theriault, Trask, Trumbull.

Yes, 43; No, 85; Absent, 21.

The SPEAKER: Forty-three having voted in the affirmative and eighty-five in the negative, with twenty-one being absent, the motion does not prevail.

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

Orders of the Day

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24:

Bill, "An Act Creating the Maine Consumer Credit Code" (H. P. 1908) (L. D. 2451)

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I would move that we reconsider our action whereby we failed to accept Report A, and I would like to speak to my motion.

The SPEAKER: The Gentleman from Standish, Mr. Simpson, having voted on the prevailing side, moves that the House reconsider its action whereby it failed to accept Report A.

The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we have been a couple of years working on this particular piece of legislation. I think it has been well studied and well thought out. I am sure it is not perfect. There is never a bill that goes through this place that is perfect. I think there are some amendments that probably could be offered to it in the second reading, and if not, we can see what some of the problems are. When you have a bill this lengthy, I am sure there are some things that the 107th is going to have to face.

Probably one of the worse mistakes I ever made in my life, and I have made a lot of them, was when I got in the small loan business in the State of Tennessee. I

recently, during the summer, decided I would go down there to take a look and see how the company was coming. There is no doubt about it, I will give you some advice, if you want to get into a business and that can make some money for you in a hurry, go ahead and do it. I probably will never sell any stock at any greater profit than I sold that stock.

You know, as an individual, I got into Tennessee and I made it a point to visit our offices and just sit there and watch them operate and see what was taking place, and I said to myself, "I think the State of Maine was wise when they stepped on the small credit companies, the loan companies, and so I got out. I couldn't get out fast enough.

Also in my business, I had the opportunity in this State to deal with a lot of people who were trying to finance homes or trying to do certain things, and one of the biggest problems I always run into is when we try to find out just exactly what their financial status is. Normally their financial status is such that they are living on a paper economy just like this entire country is, and suddenly they find themselves with interest rates to the point that they no longer can really do some of the things they want, because their pay check is pretty well tied up.

I think most of us realize today that when you go to buy something, the company that you buy it from, the first thing they want to sell you is a service contract. They don't want to sell you the article, they want to sell you a service contract. Secondly, if you suggest the fact that you want to pay cash for it, you usually will have to find another salesman and hunt around for awhile to do it. The reason being is just because of what this bill proposes to do, and that is try to put some type of a limitation on interest rates in this State and to protect the consumer in this State and maybe get us back into a position that we ought to be in.

Having looked the whole situation over and the bills over, I quite frankly think that we should give serious consideration to the report. It is the only report that I can truthfully live with other than the report to indefinitely postpone, if this doesn't prevail. I do believe that it is time we take and unify

the comprehensive approach to the consumer problems. This bill is doing it, and I think it is time that we acted responsibly and reconsider our action and give it a favorable report, put it into second reading, put some amendments on it and enact it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentleman from Standish to reconsider our action of yesterday. I do so for a number of reasons, but I would just like to give you one.

I am concerned about the possibility of passage of a situation where we establish an interest rate schedule that is so low that what we are going to do is to force ourselves into a situation in two years where the small loan agencies will come back to Maine and say, "We have got to help you, and we can help you by very simply letting us come in. You just change that old rate schedule and we will be pleased to help Maine citizens."

You must remember that rate ceilings affect the availability of credit not profit, and we don't know what a 15 per cent rate ceiling would do, but we do know that the person most likely to be hurt is the person at the bottom of the income scale, and that is normally the person who is attracted by the small loan agencies with his blessing. And it would seem to me the way to prevent that is to make sure that we pass a bill which is going to prevent that situation from occurring. That is why I am going to vote for the adoption of Report A if we get it back in front of us. I would ask you to reconsider. I am sure that many people will argue that the small loan agencies are not involved, but I maintain, and maybe I am wrong, I see them coming in the foreground, and don't hide, because they will be back.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in opposition to the left-hand corner, to the right-hand corner and to all the group out in the hall. I am a little

disturbed with the left-hand corner to suggest the same arguments that he brought up, when we were trying to correct inequities in the Industrial Bank Bill last year. He said this will open the back door for the small loan companies. Now it is a new version; if we don't pass this, the small loans companies will be back. That is absolutely ridiculous. If we do pass Report "A" with those interest rates, I guarantee that they will be back.

The right-hand corner suggests that amendments. I agree with the amendments. But let's start with Report "C" and amend Report "C", let's not go back to Report "A" and try to amend down. Let's go with Report "C". Both bills are the same; both have the same benefits to the consumer. I am in opposition to reconsidering so we can move for the acceptance to Report "C", and then I will help them amend Report "C".

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do not reconsider our actions of yesterday. And at the risk of repeating the comments I made yesterday, I would ask you later to accept the "Ought Not To Pass" Report, Report "B" of the Committee. If there were no vehicle to control credit financing or finance charges or interest rates in this State, I could accept this bill. But that is not the case at all. The Banking Department is charged, as the Regulating Agency in Maine, with the supervision of interest rates. It's their job. And they are about to strengthen their Department with a new code, which has been under study for approximately two years and which should be ready for the 107th. I am not going to argue about interest rates in this L. D., whether they are too high or too low, or whatever. This is a duplication of effort. It's all covered in the Banking Recodification Law, and Home Solicitation Sales. That is the province of the Attorney General's Office, the Consumer Fraud Division and their very able Mr. John Quinn, who is constantly before our committee with new laws to strengthen the enforcement of his department. Why do we need another department to do these things?

Why do we need yet another director, with staff, more bureaucracy, more expense to the taxpayers, when there are bureaus within our present State government that are charged with this responsibility? Why don't we enforce the present laws? Are we saying to the Banking Bureau and the Attorney General's Office, "well, you can't do your job, so instead of reprimanding you, we are going to create another bureau." "Of course, there is no guarantee that they will operate more efficiently, but we are going to create it, nevertheless." This is ridiculous and it is unnecessary.

The proponents tell us the bill will be self-funding. Well, I don't believe it. The Departments of Banking and Insurance, whose duties and responsibilities this new department will assume, requires funding from the general fund annually. And they have considerable dedicated revenue. Nevertheless, last year the Department of Banking required one hundred and thirty thousand dollars; the Insurance Department approximately seventy thousand dollars. And now we are told that this new department, who will be performing essentially the same duties, as they relate to credit financing, will not require a yearly appropriation. I don't accept this and I don't believe it. If there are lending institutions who are not complying with the present laws, let the Banking Department enforce them. If there are problems in home solicitations, let the Attorney General's Consumer Fraud Division correct it. It is their job. We don't need additional government bureaucracy with more unnecessary cost to our taxpayers. I hope we do not reconsider our actions of yesterday, and we can go on to Committee Report "B", "Ought Not To Pass".

The SPEAKER: The Chair recognizes the Gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I am not certain, but I think this would come under a point of order, but I found or believe there is an error in the calendar here, they never changed the L. D. numbers. I find the board is correct, this is L. D. 2451. And you will find all

sixty-nine pages of it, if you are interested in looking at it, under that number instead of the way its listed on the calendar today.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I spoke, at length, on this bill yesterday and I am not going to spend much time repeating what I said yesterday.

There is a couple of red-herrings been thrown out here this morning; one of which is to say that the Banking Study Commission, which is studying the future of the Banking Department, is somehow, inconsistent with this bill. The fact is, although the report isn't out yet, the Commission has already voted to separate functions, the inconsistent functions, of consumer protection, and financial safety and soundness provision, which the Banking Department is now undertaking. They are found to be inconsistent by that Commission, even though its report is not out, the report will so reflect.

I would like to say just a couple of things about interest rates, because this seems to be the nub in question. This bill attempts to keep the amount of credit available to Maine people as it is now. There are many divergent opinions as to what credit should be available to the Maine people; whether it's enough now or whether it's not enough. However, there is no acceptable data at this date to show the need for any change. You are well aware that the availability of credit is related to interest rates. This bill provides interest rates which are approximately equal to the present interest rates ceilings. In those transactions by banks and merchants where there is no ceiling in the present law, the rates in actual use today are provided. However, in all cases, present uncertainties as to rate ceilings would finally be settled by a single, internally, consistent law so that everyone knows what the law is. For instance, rate ceilings for small loan companies would remain almost unchanged. The present two-step ceiling, at thirty percent and eighteen percent, would then be replaced by an almost identical, analogous three-step ceiling, rather than

thirty eighteen, it would be thirty twenty-one-fifteen for revolving accounts of merchants and banks. The present eighteen percent ceiling enacted at the Regular Session of this Legislature would be preserved. And installment contracts by merchants or banks, where there are no ceilings, I repeat no ceilings under the present law, unlimited rates are permitted, ceilings would be established at a rate equal to either the small loan ceilings or within the thirty-six month limit on revolving accounts ceilings. Several interest rate ceilings under the present law, which are ambiguous at the present time, would be eliminated. For instance, the present ceiling for industrial loan companies is either thirteen or twenty-six percent, depending upon how the statute is interpreted. This vague standard would be abandoned under Report "A" in favor of a combination of the small loan rates with a thirty-six month rule limit, or the revolving accounts ceiling. Also, eliminated in the present ceiling on lender installment contracts over \$2,000, but its application to the first \$2,000 of the loan has been debated and never clarified by the Legislature. I think that this bill does much to help Maine people, does much to stabilize the credit structure of the State. And I hope you will support the motion of the gentleman from Standish this morning; vote to reconsider.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: We now have before us two bills, Report "A", or L.D. 2582, which has sixty-eight pages; report "C", L.D. 2586 has sixty-eight pages, and there is a six page fact sheet. I will be the first to admit that certainly our consumers need protection. They do have protection now and they do need to have interest rates kept at a minimum. But I doubt if any member of this House can explain in detail each section of either of these bills, in lay language, that all of us could understand.

Perhaps there has been a study made for the last two years. I know this House, and I know that the members of this House do not necessarily accept study committee recommendations in blind

faith. In my opinion, it would take several weeks to go into this in detail. We did not receive it until March 14th and I do not think we have ample time to give this our thorough consideration. And I believe it would not be proper for us to adopt any one of these at this late date.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I arise to concur with the Representative from Bath, Mr. Ross. I was on this study committee through last summer, through the session of the regular business session. We have been given quite a lecture on what these bills contain from the gentleman from Dover-Foxcroft. But he must have a very keen mind to absorb all this, because he probably has the lowest rate of attendance than anyone on the Bank Study Committee, and he was not with us, with the exception of the presentation of the bill, in our regular business legislation committee meetings. This is where we have gone over these bills, paragraph by paragraph: putting in amendments, taking out amendments, studying the thing inside and out. And it just seems to me that you are being asked here in a rush to put a rubber stamp on something that you haven't had time to have explained to you or taken time to read yourself even.

This is a great step in the area of regulating the future finance transactions of your constituents, and all of the people in the State of Maine. I think we would do well to not go along with the motion before the House. And if there is merit in it, it can be taken up when your banking code comes in. If it is not recommended by the banking code, o.k., if it is recommended by the banking code, we should then consider doing it at that time.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Back several years ago, we passed a municipal employees bargaining law. At the time the bill was passed, I remember the comments that the gentleman from Bath

made at this time, that this wasn't a perfect law but possibly through trial could be worked out to be a successful piece of legislation and succeeding legislatures could find out the faults in it. This was done and I think we have worked out a fairly successful municipal bargaining law by this method.

I have a feeling this morning that the same thing might be said on this piece of legislation, that there may be some flaws in it. I don't know if a piece of legislation of this type can ever be put together in committee by study that is going to be perfect. It will later have to be amended, after it has had a chance for trial.

I have talked with some members of the Business Legislation Committee who I feel thoroughly know this bill. They feel that it is a good attempt to do the best job that can be done. As they have indicated to me, this has been studied over a period of two or three sessions — two sessions, I believe — and they feel that at least this is a good, workable law.

I hope you will reconsider so we can accept Report A.

Mrs. Clark of Freeport 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 on the motion of the gentleman from Standish, Mr. Simpson, that the House reconsider its action of yesterday whereby it failed to accept Report A on Bill "An Act Creating the Maine Consumer Credit Code," House Paper 1908, L. D. 2541. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, P. P.; Berube, Birt, Bither, Boudreau, Bragdon, Briggs, Bustin, Cameron, Carey, Chonko, Churchill, Clark, Connolly, Cooney, Cottrell, Cressey, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Evans,

Fecteau, Flynn, Fraser, Gahagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Immonen, Jackson, Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lynch, Maddox, Mahany, Martin, Maxwell, McKernan, McTeague, Mills, Morton, Murchison, Murray, Najarian, Norris, Palmer, Peterson, Pontbriand, Rolde, Rollins, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Susi, Talbot, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Webber, White, Whitzell, Willard.

NAY — Berry, G. W.; Binnette, Brawn, Carrier, Chick, Cote, Curran, Dam, Davis, Deshaies, Donaghy, Dunn, Farley, Faucher, Finemore, Good, Hoffses, Hunter, Jalbert, Kelleher, Kelley, Kelley, R. P.; LaPointe, Lewis, E.; Lewis, J.; MacLeod, McCormick, McHenry, McMahon, McNally, Merrill, Morin, L.; Mulkern, O'Brien, Parks, Ross, Shaw, Sproul, Strout, Wheeler, Wood, M. E.

ABSENT — Brown, Bunker, Carter, Conley, Crommett, Dudley, Dyar, Farnham, Farrington, Ferris, Garsoe, Gauthier, Genest, Huber, Jacques, Kauffman, Littlefield, Morin, V.; Perkins, Pratt, Ricker, Santoro, Sheltra, Tanguay, Trumbull.

Yes, 83; No, 41; Absent, 25.

The SPEAKER: Eighty-three having voted in the affirmative and forty-one in the negative, with twenty-five being absent, the motion does prevail.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: We now find ourselves back in the same position we were in yesterday. Obviously there has been some work done overnight. I have no objection to that method of the way the game is played. I play by the same rules. But the difference is now, with all these people on the floor of this House telling me how they are going to amend Report A, now they have no guarantee from that group in the hall that they will let Report A be amended. But I guarantee you, if you accept Report C, that group in the hall will help us amend Report C. And I would suggest to these people that if Report A fails to receive the amendments they are talking about,

this great improvement that they wouldn't accept in committee, will they then continue to ride this bill with all the financial gain for the big money interests in the State?

They keep dragging the small loan companies constantly. The small loan companies are out of business. This is just to try to drag an emotional issue that — nobody likes the money lender. I won't debate that again, because I got in trouble with it the last time. But I ask you once again, to reject Report A so that we can take Report C, therefore guaranteeing that we will have people who would favor Report A, those people in favor of Report C and those people in the halls all helping to amend.

The SPEAKER: The pending question is the acceptance of Report A. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. O'Brien 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 the acceptance of Report A. All in favor of accepting Report A, House Paper 2043, L. D. 2582 will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, P. B.; Birt, Bither, Boudreau, Bragdon, Briggs, Bustin, Cameron, Carey, Chonko, Churchill, Clark, Connolly, Cooney, Cottrell, Cressey, Curtis, T. S., Jr.; Drigotas, Dunleavy, Emery, D. F.; Evans, Fecteau, Flynn, Fraser, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbs, Immonen, Jackson, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lynch, Maddox, Mahany, Martin, Maxwell, McKernan, McTeague, Mills, Murchison, Murray, Najarian, Norris, Palmer, Peterson, Pontbriand, Rolde, Rollins, Shute, Silverman, Simpson, L. E.; Smith, D. M., Smith, S.; Snowe, Susi, Talbot,

Therault, Tierney, Trask, Tyndale, Walker, Webber, White, Whitzell, Willard.

NAY — Berry, G. W.; Berube, Binnette, Brawn, Brown, Carrier, Chick, Conley, Cote, Curran, Dam, Deshaies, Donaghy, Dow, Dunn, Farley, Faucher, Finemore, Good, Hoffses, Hunter, Jalbert, Kelleher, Kelley, R. P.; Keyte, LaPointe, Lewis, E.; Lewis, J.; MacLeod, McCormick, McHenry, McMahon, Merrill, Morin, L.; Mulhern, O'Brien, Parks, Ross, Shaw, Soulas, Sproul, Stillings, Strout, Wheeler, Wood, M. E.

ABSENT — Bunker, Carter, Crommett, Davis, Dudley, Dyar, Farnham, Farrington, Ferris, Gauthier, Genest, Huber, Jacques, Kauffman, Kelley, Littlefield, McNally, Morin, V.; Morton, Perkins, Pratt, Ricker, Santoro, Sheltra, Tanguay, Trumbull

Yes, 77; No, 46; Absent, 26.

The SPEAKER: Seventy-seven having voted in the affirmative and forty-six in the negative, with twenty-six being absent, the motion does prevail.

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

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

Bill, "An Act Relating to the Powers of Maine Port Authority" (S. P. 931) (L. D. 2564)

Tabled — March 18, by Mr. Simpson of Standish

Pending — Passage to be engrossed.

Mr. Palmer of Nobleboro offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-760) was read by the Clerk.

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

Mr. PALMER: Mr. Speaker and Members of the House: I think that this is an extremely far-reaching and powerful bill, and I think that all members before voting should look at it very very carefully.

The amendment that I have just presented to it, I call your attention to page 5 of this document, section 7. It is a very simple amendment, but I think we should consider it well.

The bill calls for under "A" "The Port Authority in cooperation with such state agencies charged with responsibilities for port development may cause plans to be made for the development of ports and harbors for the purposes of carrying out the duties of the Port Authority, and it shall have immediate charge of any undeveloped lands under the sea and flats now or hereafter owned by the State within" — and this amendment proposes to strike out the words "or contiguous to Portland Harbor." I am just a little bit worried that the Maine Port Authority might have authority over the entire coast of Maine.

Thereupon, House Amendment "A" was adopted.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: When this bill first reached the floor, I kind of took it, unfortunately, maybe a little lightly. I originally tabled it because of the gentleman from South Portland, who requested that his municipal council and the council itself have a chance to review it over the weekend. Subsequently, when I went home Friday night, there appeared a major story, in the Portland papers anyway, stating the fact that there seems to be a conflict now between Gibbs Oil and Maine Central Railroad relative to the right of way along what we consider Commercial Street in Portland, and Gibbs Oil was now working with the Portland Pipeline in South Portland such that the proposal would be moved from Portland over to South Portland and they would use the pier facilities at the port and then pipe their oil through South Portland and eventually on into Sanford.

Since that time, I am sure all of us realize that there has been some other comments relative to the proposal, and I have taken a little bit more of an interest in it. I have read it. I happen to favor oil in Maine. I don't want oil all over Maine, but I am one who favors oil in Maine. I guess I am one who wants to make it at least competitive, one who wants to make sure we get the best, the State of Maine comes out of it the best and that we don't suddenly fall for a proposal like we did with a gentleman by the name of

Vahlsing who sold us a bill of goods on the availability of sugar beets and what could be done with a sugar beet refinery in the State of Maine, something, by the way, which we have an investment of some \$32 million in, and we just now sold it for \$3 million. That is a loss of about \$29 million.

It somewhat concerns me, as I look at this piece of legislation, that the State of Maine is going to float once again bonds of a moral nature which will be used to build port facilities, dredge the harbor, build pipelines to Sanford, that we will also get involved in returning hot water from Sanford all the way back to the Portland Harbor through another pipeline and that we are going to, in fact, subsidize an industry coming into this State, which I don't know as a lot of us have seen that much about. I am a little bit at odds standing here this morning and I guess I would like to throw out some thoughts or questions. I have got quite a few of them, maybe the Transportation Committee could address themselves to it and jot a few of them down. It seems to me that we have spent a tremendous amount of time listening or hearing about the hearings involved in Pittston. It has taken a year now to have all these hearings. The report has not been released yet; it is due to come out this week, I believe, or next. Suddenly, all of a sudden along comes an oil company called Gibbs and everybody just falls in love with them. Sight unseen, we enter into a contract, into an agreement, a contract which is my understanding the Attorney General's office hasn't had a chance to look at or review yet. I would ask if this is true and whether it has been taken under consideration? I would ask what type of thoughts have been given to this proposal such that it go out to competitive bids? Since there may be some other oil companies that might want to come into the area, they might be more interested in a larger capacity; that they might be also involved in an area where we could have petroleum at a lesser price than what Gibbs can promise us; that maybe that they might be more financially solvent? I would ask who has seen the financial statement of Gibbs and what their ability is? I would ask if the economic impact of this

facility to the greater Portland area has really been considered? This cry and why all of a sudden this State seems to be taking such interest down in Eastport, but suddenly doesn't want to take the interest in Portland? Instead, we are faced here today with a major piece of legislation which I guess now I would have to concur with the gentleman from Bath; that we should really take a good serious look at; that this starts to involve us again with a \$20 million bond issue and another authority.

Where does that put us if this authority should happen to fall? It is my understanding that the contract or the agreement between the so-called parties, and don't forget Gibbs is not alone, they brought in three other companies with them, they could get out from underneath this contract at any time without any review or acquiescences of the State of Maine. Start to think about that for a minute; that they can just get out without any review on behalf of the State. What type of a contract are we entering into if that is the type of situation that we have? I would ask that this legislature should take cognizance of that fact. I would ask the Transportation Committee to address themselves to it.

In this particular contract, or in this particular bill, Gibbs will get all the permits and licences. Then they have got the right to sell them to the highest bidder. Now to me that doesn't seem to make good sense. If we are going to do business with Gibbs, then let's do business with Gibbs, and let's make sure that is the outfit that is coming in here and that when they get there they have got the financial ability and that they are the ones who are going to have to do business with and not to the point that certainly we find that they have sold all of these permits to somebody else.

I would also point out to you that in this particular piece of legislation the State, again, is getting heavily involved in the financing, heavily involved in the work and all the permits. Let's face it, it is a lot easier for the state to get the permit than it is for somebody else to do the dredging and all the harbor work and the pier construction and the laying of the pipeline all the way from Portland to Sanford. Then also, the necessary

permits for the construction at Sanford. If Pittston has to get these permits, why doesn't Gibbs?

I would ask; if the State decided in any way to get involved in the Pittston application such that they want to obtain all the permits and do the same thing for them?

I am not going to move the indefinite postponement of this particular bill, but it seems to be that when it gets to the enactment stage I hope, or by the time it gets to the enactment stage, that all of us have taken a good look at this situation and that we proceed cautiously.

It would seem to me right now that this is one piece of legislation that we have got some nine months before we will be back here, and it is the best interests of the State of Maine that we should be well aware of what we are doing and that we should not act hastily and put this piece of legislation on the books without some of these questions answered. It seems to me that right here today is the time to start to get some of the answers. And if we haven't got them, then maybe before the bill gets to the enactment stage we will either receive them or act accordingly at that time.

Order Out of Order

Mrs. Kelley of Machias presented the following Order and moved its passage:

ORDERED, that Archie Alley, Mark Smith, Rickey Fagonde, Gordon Faulkingham and David Emerson of Jonesport and Beals be appointed Honorary Pages for today.

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

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I can understand the concerns expressed by the gentleman in the right-hand corner Mr. Simpson, relative to this bill. It is a far-reaching piece of legislation. And I would like to try and answer some of the questions posed by the gentleman concerning this legislation, at least to the extent I have been informed about it.

The regular session of the 106th Legislature authorized an appropriation of \$500,000 for the purposes of purchasing

waterfront property to be leased to private enterprises interested in developing shipping in the port of Portland.

Since this commitment by the legislature was made, not only has 47 acres of waterfront property been purchased, but the State has a client ready and willing to commit itself to this kind of development, the Gibbs Oil Company.

The bill we have before us today is the second legislative step which is vitally necessary to implement this proposal. The bill, basically, does three things. One; it gives the Maine Port Authority, which has the primary responsibility for developing Maine ports, the power to build a facility which will include a finger pier for the berthing of oil tankers to offload crude oil, and a cargo pier for the handling of dry and containerized cargo.

Two; It allows the Maine Port Authority and Department of Transportation to coordinate their efforts on this project.

Three: It provides the feature (and this is very important) whereby the costs of the entire project, including the oil pier, the cargo pier and the cost of dredging a 45-foot channel in the harbor, will be completely financed by the floating of revenue bonds to be amortized by funds obtained from the leasing arrangement with Gibbs Oil or other firms.

On page three of the bill, section "i", it clearly states that the credit of the State of Maine will in no way be pledged to the payment of these bonds.

It may be noted, and I have checked this out myself, that this method of bond financing is superior to that used when the Maine Turnpike Authority was created in which, as I understand it, an engineering feasibility study was the only basis for the authorization to float bonds.

Finally, page six, section 13 of the bill corrects an oversight in the original draft of the bill. It clearly spells out that Gibbs Oil Company or any other firm using these facilities will be completely subject to all environmental regulations of the State, including the Oil Conveyance Law.

Finally, Mr. Speaker, ladies and

gentlemen of the House, I strongly urge your support of this bill for two reasons.

One: The energy crisis, I believe, has clearly demonstrated to all of us the need for the State of Maine to commit itself, once and for all, to a policy of providing for its own energy needs. We cannot rely on Washington, D. C. and other states to fill that need for us.

The proposed Gibbs refinery in Sanford and the proposed piping from the offloading facility in Portland to Sanford is one proposal I believe we should consider which can assist in filling our future energy needs.

Secondly: The dry cargo pier, which will also be built if the refinery becomes a reality is, I believe, another highly desirable type of development in Maine. I do not believe the State of Maine has ever realized the full potential of Maine seaports, partly because we have lacked the facilities to attract cargo. And here is an excellent opportunity for us to do so. This type of development can bring the kind of industry into Maine that everyone wants; industry that employs many people, pays good wages, and does not pollute our environment. I do not believe a refinery necessarily has to pollute the Maine environment.

Now, I am going to get off my prepared text because some other questions have been raised here I would like to answer. First of all, I want to make it clear that some statements that I made in the press relative to this proposal.

I want to make it perfectly clear that I am not suggesting for a moment that the Gibbs Oil Company is necessarily the right client. I mean, there is no one here in this House including myself who knows whether they are the right people or not. If anyone with a comparable proposal would come along, the Commissioner of the Department of Transportation has assured me that their proposal would be taken in consideration. I have also received notification from the Commissioner relative to the Portland Pipeline, there was some concern expressed that Gibbs Oil in this case was going to perhaps, if this bill did not go through and if the facility, the refinery were not built, were just going to bring their vessels into Portland and to the Portland pipeline to

send the oil on to Canada.

I believe the gentleman from Standish, Mr. Simpson, has a misunderstanding about this position relative to whether Gibbs is going to be subject to the same kind of scrutiny that the Pittston refinery will be subject to.

There is nothing in this bill that we have before us, the Maine Port Authority bill, that says that they will not be subject to it. And as I say again, the last section of the bill, section 13, says that they will be subject to the environmental laws. So I would, naturally, assume that the Environmental Protection Agency and all the other licenses that Gibbs must obtain will be the same for Pittston. They are not going to get any superior treatment to any other firm. I think this rumor, wherever it has come from should be dispelled right now.

The fact remains that if we don't pass this bill that we have before us today, if we don't let this thing go through, the State of Maine and the Maine Port Authority will not have the authority to issue revenue bonds. And if they don't have that kind of authority it is going to be pretty difficult for us to get any kind of development. This is really what we are up against today.

I would like to see this bill kept alive. As I say, these problems can all be worked out. I would hope that the House will go along with keeping this bill alive today.

The SPEAKER: The Chair recognizes the gentlelady from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I also, as the speaker before, understand the gentleman from Standish's concerned mostly because I know of some reasons in back of it. I am sure that he recognizes that there are three kinds of bonds within our State. And one is the general obligation of the State; another is the moral obligation; but these are revenue bonds and the State carries no obligation whatsoever under them. I don't believe it is uncommon for a company or two to get together to form a corporation to do such a thing as this as it is a big step.

I think we should also understand, as the speaker before me said, this isn't a Gibbs Oil bill; this is a port authority bill which gives the Authority permission to

do this, not necessarily for Gibbs Oil. There hasn't been any other companies that have shown any concern as yet as Gibbs Oil Company has. I can understand the railroad's opposition to this because they don't like the idea of a pipeline instead of carrying it over the rails. This is quite understandable.

I think with the amendment that was put on it that people who have concern of this getting out of line and getting out of the Portland Harbor this will stop this, which I don't believe there was any intention anyway. But this bill simply gives the Port Authority the permission to do this, the Environmental Protection Agencies have been in on the drafting of this bill and they are not concerned now about it because everything has to be complied with. I would urge that you would pass this along, at least so we can get more understanding of it before final passage.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I know that the subject of revenue bonds has been covered twice already, but I know people in this House get shaky as soon as you mention bonds. And I just wanted to read; in two places in the bill it says — on page two — "No form of indebtedness issued or liability incurred by said Port Authority shall become an obligation of the State of Maine. And all instruments though issued shall so state." On page three it says, "the bonds of the Maine Port Authority shall not constitute a debt of the State or of any agency or political subdivision thereof, but shall be payable solely from the revenue of the Authority, and neither the faith or credit nor taxing power of the State of Maine or any political subdivision thereof is pledged to payment of the bond."

I, too, hope that you will vote for passage of this bill because there is only one thing that will restore life to Portland Harbor and that is money, and that is millions of dollars. There are no federal funds available for the transformation of the Harbor. Obviously, there are no state funds of this magnitude available and there isn't any local money.

Gibbs Oil Company and three others

have now formed a company called the New England Energy Company, and they have offered to pay for cleaning up the polluted harbor, for dredging it, and the cost of building two piers. One pier for oil and one for dry cargo. And this will be of no cost to the State.

Our harbor has been declining for over 40 years. Where there once were 1,000 longshoremen making good wages handling dry cargo, there are now only a handful of men — 50 or 60 years old and they are on relief, unemployed two-thirds of the time.

We have about two ships per month; one exports pulp another brings in sardines from Scandanavia.

Until we replace our rotting facilities with modern equipment all experts agree the future of Portland Harbor can only grow worse.

We have in Portland a great natural asset, that of the finest, deepest, most approachable port in the East. But unless we build a modern dry cargo facility that port is dead.

Now, the New England Energy Company has agreed to do this for us, providing they pass the environmental standards. We have never had so good an offer before, and will probably never again for another 40 years, if ever. So I hope that you will vote for passage of this bill.

These bonds will not be issued until they meet all the rules and regulations, environmentally, and every other way of the State of Maine.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to agree with the statement made by the gentlewoman from Portland, Mrs. Najarian.

Several days ago we passed in this House a housing bond issue for, I believe, \$100 million which the State of Maine is not affected as far as the credit of the state is concerned. This one here is similar to this one that we passed for housing. Therefore, I urge you to vote for the bill. And I am sure that if you have seen the Portland paper last Sunday and the condition of the buildings that we have already acquired and the amount of land that we have on that point there,

that you will be proud of it after the money has been put in there, and it will certainly help the city of Portland and the State of Maine.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would like to ask questions in regard to these bonds, the type of bonds they are. I would inquire of either the gentleman from Standish, Mr. Simpson, or the gentleman from Portland who spoke in favor of the bill.

I guess I am interested to find out whether these bonds we are talking about are the, I guess the term is municipal approval type of bond, which was used in the construction of the loading platforms in Aroostook County in connection with the beet sugar industry?

Possibly if I might get an answer I may have a few more remarks that I might wish to make.

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

The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker, Ladies and Gentlemen of the House: That was my greatest concern with this when it came before our committee; was the bond. I happened to be here when this Aroostook deal was voted on and I am one of the proud members who voted, no.

When these revenue bonds are sold, they are going to be sold over the counter. Who ever buys them, they are taking their own risk. The state or any taxpayer, other than the person who buys them won't be responsible.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't want people from Portland to get any ideas to the point that I don't think the port of Portland needs to be developed. Quite frankly, I have always said that the port of Portland should be developed, and I am ashamed of it any time I go down there or go out along Fore river in

a boat or anything else. After being in Seattle last fall, and seeing a real port, and seeing a port, and seeing what I considered to be a beautiful port, to the point that all the pilings were level, every single building, every single wharf all the way down through you could have drawn a straight line down across it. I asked myself at that time, you know, why Portland couldn't have that type of a facility. I started doing a little inquiring around and, you know, you have to face the facts of economic life at times and as I said, I am not opposed to oil. I think probably Portland is the place for it and I think Sanford is probably the place for it. But I think there are some questions that still need to be answered, I haven't heard anybody address themselves to yet.

First of all, it is my understanding, and I can stand to be corrected; but I would like to see documentation of it. And that is my understanding; that there is already an agreement drawn, signed, sealed and delivered between the State of Maine and Gibbs Oil. I would like to know if, in fact, that is not true; and if it is how can another oil company come in now and decide that they might like to get in on the action and do something differently?

I would remind this body that when we talk about the sugar beet fiasco that we had a company that pulled out. Also, we are running right into this bill; that the party to the contract can pull out. It is not subject to review by the State. I would also remind this Body that this State is putting into legislation the rights of the State to obtain permits from its own agencies. You tell me if that isn't a good way to get permits, and then turn around and give them to a company. I would ask if this has been addressed and what is the reason for it?

Now let's get into bonds for a minute. I agree that there is what you call moral obligation bonds. It is awful easy to stand up here and talk about moral obligation bonds. Last week we delayed action on the State Housing Authority because the Maine Municipal Association and the Treasurer of the State was going to New York where they were meeting with Moody's and Standard & Poore's, because it had come to the point that the bonded indebtedness

of the State of Maine and not just the State now, but all of the municipalities and everybody else, has reached a point over the last ten years, that they now feel that the economy of this State cannot pay those bills or bonds off and keep our present rating. The Treasurer was about ready to go out with a bond issue for the Maine Bond Bank. He was advised at the time that they would probably keep our rating. However, in this State, very unequivocally, that this thing was still under review and that we should face that fact of life; that the total economy in the State in the last ten years has not grown; and this thing has not grown; the population has not grown; but the bonded indebtedness has grown and grown and grown. Every single time we come into the Legislature, we find ourselves passing more bond propositions that go to the people.

I want to know how many people in this body, right now, would say, and stand up right now, and unequivocally, say that if we float forty million dollars worth of bonds; and all a sudden this thing goes down the drain; that they would not put the credit of the State of Maine behind those moral obligation bonds by accepting a twenty million dollar bond issue to pay for them or take it out of general fund? Let's be realistic, let's be totally realistic, a twenty million default. And even though the people take and buy them, knowing that they are getting a tax break, the point remains the State of Maine is still on that note. The word is, and the word gets out then that that thing had been defaulted. If you ever want to see our credit rating go to pot then, it certainly would. And that would be the argument on this floor and I bet you money that this Legislature and any succeeding Legislature, would make sure that we covered our own debts, even though they were moral obligations.

Of course, the last ten years, I think I have seen more proposals for the port of Portland than, I guess, any port in the country. Everybody is coming in. Phillips Petroleum was the first one; they were going to come in and they were taking over one whole section of it and they were going to put in quite a facility. Feasibility studies showed that that would not work and it did not go. We have had private enterprise come in and

they were going to build motels down there, they were going to put in marinas, they were going to do this and they were going to do that, to try to lift the economy. That's never got off first base.

The talk about dry cargo was great, and I wish we could get back into the dry cargo business. The port is right there now and can't get the business. We have got to face facts. And oil is probably the only thing that can ever really put the economy back into the port of Portland. If we are going to do it, let's make sure that we have got a contract with a company that we know; that it is a contract that protects us; that maybe it is a contract with someone who is going to generate more revenues, more work for the stevedores, and other economic advantages. Dry cargo has not been able to get off first base in Boston the way they would like to see it develop, especially as a container port.

I would ask if there has been any feasibility studies as to what the feeling of the Canadian National would be, because this would be in direct competition with the Halifax proposal for their port in Halifax. I want to know exactly what type of feasibility studies have been made to the point that dry cargo facility will actually operate and have the goods. Are there enough goods in Maine to ship out of that facility, as there is that comes in to that facility? Where are they coming from? Is a shipping company going to bring dry cargo ships into Portland? Are they going to have to deadhead out of here with no load? The trucking firms, especially independents, if they can't come from Florida or from the Midwest to Maine with a load of native orange juice or meat and can't pick up a product here to take back; they cannot subsist and they die because they have to deadhead. Now what type of a study has been done on that? I would like to know. I would like to know these answers; I would like to know what these feasibility studies have undertaken.

I would like to know exactly what I brought out earlier about the contract and our obligations it gives. To me these questions have not been answered. I think we have got to answer them. And this is a step that when we get ready to put this legislation in the books, let's

make sure we are doing it and doing it properly. I want the port of Portland to grow. I want it to be sound. I would like to see it be a beautiful port. I would like to be able to see us take people down there and say; there is a port that is really alive. But I am not convinced yet that this is the legislation that we need to do it.

The SPEAKER: The Gentleman from Standish, Mr. Simpson, poses a series of questions, including the fact that there is a question as to whether or not there is a contract that has been executed or in the works, with Gibbs Oil Company or some other company, in some municipality or the State of Maine?

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to try to answer the question relative to the contract and also the question relative to the fact about a State agency going to another State agency. I will just plain address myself to some of the other problems.

Concerning the contract, I have it right here in my hand. A memorandum of intent and understanding. And I did some checking on this. I did not check with the Attorney General's Office, but probably this is what should be done. But I did go to the legal counsel for the Department of Transportation and asked him about this, if this was a binding, legal contract, that would lock Gibbs Oil alone into this proposal, and he told me, no. This is just a preliminary memorandum of intent and understanding. It is subject to revision. This is what I understand to be the case in this instance.

The second question; I, too, was concerned about the question that was brought up about the State going to another State agency to ask for permission to do something. I can understand the concern there. I understand, also, that this is not something that is unprecedented. I have been told in cases, for example, where the State is going to build an airport, the construction of an airport, that they have to go to the Environmental Protection Agency to get the necessary licensing and permits in order that they

won't be violating the laws. Parks and Recreations and some of these other agencies also have to do the same thing. So it isn't just a case of one instance where we are saying the Maine Port Authority will go to the Environmental Protection Agency and get their licensing accepted.

Also, I would like to point out that this is going to be a joint venture. The Maine Port Authority and the Department of Transportation are not going to the State alone. Whatever firm comes in here, whether it be Gibbs Oil, or whoever it is, also has to go to the Environmental Protection Agency, it will be a joint venture, between these State agencies and departments. This is what I understand in my conversations that I have had with the Department of Transportation and the Commissioner, — this is what he tells me.

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

Mrs. McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to confirm what the gentleman from Portland just said. In answer to some of the questions from Mr. Simpson, of Standish.

To begin with it is a letter of intent, not a contract. It would be kind of foolish to sign a contract before they even know if they got their approval from the Environmental Protection Agency. This Legislation gives the Gibbs Oil, or now the New England Energy Company, the enabling legislation that they need to go further and get through all these hurdles, with the other departments of environmental. And, as to the bonds, I don't know how many times Mr. Simpson relates that they were moral obligation bonds. And they are not moral obligation bonds, they are revenue bonds. There is a difference. If he would get his facts straight, and he would go and collect his facts from the Chairman of the Transportation Committee or the Senators of the Transportation Committee, or the Department instead of taking from one gentleman on the other end of the hall, who is dead set against this coming into Portland, he might get his facts straight and not ask so many questions about it.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I don't feel that I have had my questions very well answered that I had in regard to this.

We refer to the Department of Transportation, which might indicate to me that this was a combined State and City venture. The question I asked was; were they similar to what we referred to at the time of the sugar beet industry was developed? Were they municipal, I guess they called them Municipal Revenue Security Bonds, I guess, something like that. Now they voted in the municipalities where these loading platforms were built, and they were told when they went into the town meetings that there was not one iota of obligation to the municipalities. Is this that type of bond they were talking about then? They were revenue bonds and that if anyone bought them, they had to depend upon there being revenue to pay them off. In this instance, eight or ten skeletons that stand out in the Aroostook landscape, they are mute evidence that there never was any revenue. And the sad thing about it was that in these bonds, the sale of these bonds, there were I am told on several occasions, where people who had saved money all their lives, were induced to invest those savings in these bonds. I think we probably all agree that Mr. Vahlsing was a very good salesman. It is still sad that many of these people invested the greater part of their savings that they made over the years and are still awaiting the revenue which does not come forth. I think we are very unwise to pass any type of bond issues, such as we are talking about, until we can get more concrete definition, until somebody on the floor of this house can explain to us what these things are, so that, at least, some of us would understand what we are doing. I don't know as I would, but it seems to me that there must be somebody that could understand what we are talking about. So far, I don't think it has been explained so we do. If anybody wants to take issue of this, it is fully up to them. But I think I agree completely with Mr. Simpson that it is very unwise to jump into something

where we are guaranteeing or somebody is supposed to be guaranteeing \$20 million of bonds, and we don't even know what type of bonds they are or whether there is likely to be any revenue or not. I think this is kind of a jumping-into-the-dark idea. And I hope you consider it very seriously before you vote to accept it.

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

Mr. Mulkern of Portland was granted permission to address the House a third time.

Mr. Mulkern: Mr. Speaker, Ladies and Gentlemen of the House: First of all, there was one comment that I forgot to make in my last speech relative to something that the gentleman from Standish, Mr. Simpson, said.

He mentioned something about a feasibility study being done relative to how the Canadian National Railway felt about this proposal and whether it would compete with Halifax. All I can tell him is this much; in the regular session when we purchased the property in Portland for this facility it was known, or generally said, that the property was going to be used for developing some kind of a port. And the property in question was sold by Canadian National Railway. Now I don't know if this is an indirect implication that maybe Canadian National Railway has nothing against this or not. But perhaps. Perhaps it is.

Secondly, on the revenue bonds, perhaps I didn't make myself too clear the first time but the revenue bonds in question will be backed up by the proceeds from the leasing agreement so any firm that comes in here has to sign a lease for so much money. No bonds will be issued unless the lease agreement has been signed. The bonds are backed, I mean it is not a question of the fact that we are just going into this thing and just float bonds and that there is nothing backing it up. As I have said before, the Maine Turnpike Authority was created on the basis of an engineering feasibility study and for only that. They had no

more backup of their bonds than that. We created other authorities with less merit than this, at least I believe this. This is my understanding.

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

Mr. McNALLY: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I shouldn't be saying much of anything, because in this whole deal from start to finish to me has been very confusing. In the first place, this letter of intent never came out in the open until after we had one or two meetings on it, which I was wondering about. In fact, I wouldn't have known enough to be looking for it if it wasn't for the fact that down in Ellsworth we are fortunate in having five attorneys in our block, and one of them came in and sat down and talked with me about different things that we are doing down here. Years ago he used to be in the legislature and realizes what happens. He brought out a number of questions that made me begin to look to see a few things about it. I never gave it too much thought in the fact that there are three or four companies in this deal. In fact, I think there are at least four, and Gibbs is the lesser one in the relation to all the others financially concerned in this New England, whatever the name of it is, that they finally decided on. Since that is the case, he posed the question to me no later than yesterday afternoon after I got home, how things were coming along on this and he said, "What assurance do you have that these other companies that have more money than Gibbs is going to back up?" I'm afraid that I couldn't answer that. Unfortunately, I had not read the letter of intent.

I can see very plainly that what Mr. Mulkern is testifying what we heard in hearings, and that they are revenue bonds, but not being too well versed in the bonding deal, I don't know, in case Gibbs pulled out, or didn't sublease to somebody else, and I understand that the way the letter of intent is drawn up at this particular time, if they decide to let somebody else come in in their place, it could be done.

It forms a lot of questions in my mind, which perhaps wouldn't have been stirred up, as I say, if I hadn't had a firm

of attorneys that was a little bit interested to ask questions. One of them was connected with the aluminum deal that we had down there of putting an aluminum plant in, and so anytime anything is being promoted in the State, since the aluminum plant never got by that probably caused a loss of revenue of that particular attorney, I have had doubts raised in my mind from the questions were asked.

Only last night, down in a caucus in Northeast Harbor, one man approached me and very forcefully and said that he thought that there had been a lot of things that had not been told to the public and he thought I should be more astute and investigate it more thoroughly, which I am going to try to do before I am going to vote on this.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: There is no need for me to prolong what has already been said by previous speakers. I would like to congratulate the gentleman from Portland, Mr. Mulkern, he has done very well. He has studied this thing quite clearly. I wish to mention the fact that the gentleman from Perham got up and asked a question and then before he was through he had answered his own question. The fact that these were revenue bonds and the payment of the bond would depend on revenue, and if there is no revenue, there would be no payment. You may be sure that these people who buy these bonds are going to make sure there is revenue before they buy them. I would not invest \$20 million anywhere unless I saw the possibility of them being repaid. So the financial backing of this thing should be looked into more thoroughly by those who buy the bonds. I hope this clears it up.

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

Mrs. NAJARIAN: I would request a roll call.

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

Mr. FLYNN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Standish took most of my

written-down facts from me, so I think they have gone over once and that is it.

I did have a chance to get around the City of South Portland and talked with the City Council and Coporation Council over the weekend. We have no qualms with this here but we would like to see a port rejuvenate it. As some of you probably know, 95 percent of the shipping in Portland Harbor comes to South Portland, maybe they take 20 percent across the river. The main thing that bothers the citizens and the council also, is the Maine Port Authority has the right of eminent domain. They do not have too much land in the City of Portland left over there, we are afraid that they might try to come across the river and take our shipyard away from us and put more tanks and more oil, that is the only reason we would have to go against it.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I have just one point and it is this: Eminent domain is not in this bill. It is already passed and it is not in this bill.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have listened here this morning with a great deal of interest on this proposition here. I am wondering how you compare the bond issue with the fact that the Pittston will spend \$360 million of its own money to locate a refinery in Eastport. Here you come into a congested harbor, which has been declared unsafe.

The thing that interests me the most this morning is this plan that has been put on our desks several days ago. It's a graph of the harbor of Portland, put out by the State of Maine Department of Transportation, labeled a Marine Terminal Development, and it shows the proposed development there. I am awfully interested in how they are going to get their supertankers into Portland Harbor and put them into a dredged out slot that calls for 53 feet, when the tankers themselves require minus 65, that is minus 65 feet at mean low tide. On this draft here, the width of the ship, the

length of the ship, or the draft of the ship, is not shown. Until that is determined, you have got a very serious problem there with probable spills.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I can understand the feelings of the gentleman from Eastport, Mr. Mills, because he is very much in favor of the oil port in his own area and so am I. I hope it lands there, but this proposition won't affect that at all. In regard to the ships landing in Portland, they have no intention of landing there. These ships will be landing, the big ships will be landing in the Bahamas, loaded onto smaller ships and then from there to Portland. The large ships won't go there at all.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman said I was very much interested in Eastport and I certainly am. I live there and pay my taxes there. As far as these refineries are concerned and me being opposed to Portland having a refinery, that is not true.

Three sessions ago, I sat in the seat occupied by Representative Najarian, and I spoke to the House at that time on the refineries that wanted to come in on the coast of Maine, for a total of \$4,986,000,000 and new industry where the State doesn't invest a dime. Through different groups and everything else, we have lost one refinery after another and they are right across the bay from Eastport, and you can see them over there. They are on the Canso Strait. The Canso Strait deal was one where they sent a tanker going ashore, erupted, the oil was spilled out and would kill the fishing, well, the strange thing has happened, which the biologists can't explain, and that is the fact that that is where the herring have been congregating in the last three years. The Maine coast is packing the oil from Canso Bay where that oil spill occurred, so some of these things that the biologists are telling us are not so.

As far as the refinery is concerned, I believe this, that a modern refinery today has no way of polluting that is

scientifically built. You have one over across, there is three laying over there side of Halifax which nobody notices or sees. There is a gentleman here in the House that was on a trip out to Minnesota and he flew over new refineries out there. He informed me that they had to radio down to the ground to be sure the refineries were in operation as there was no belching smoke or pollution or anything else.

So, ladies and gentlemen, I am not against a refinery on the coast of Maine, anyway. I did stall along on the one for Eastport until we got environmental controls. I believe today that we have sufficient laws on the books to control anything that wants to come into the State of Maine. I am still wondering why it is taking the Environmental Control Commission almost a year to determine whether we should have one in Eastport or not.

Now the last question I understand they raised is, does the company own all the land? What has that got to do with whether the company is qualified to meet the environmental control laws? The thing is a mystery and this one slides very easy.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: The question asked by Mr. Mills that there was a chance that probably the ships going through there might spill or do something of that sort, I would say, if I am not mistaken, and if I am, I would like to have someone from Portland correct me, that there are oil ships, tankers, that are going by at the present time, going by this same location we are talking about at the pier. They are going right by where this proposed pier is we are talking, right by this pier, going down to the bridge further down, and if there is going to be any spills, there are many ships that are going through there every day.

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 engrossed as amended in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Brawn, Briggs, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Evans, Farley, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Hancock, Herrick, Hobbins, Hoffses, Hunter, Jackson, Jacques, Kauffman, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McTeague, Merrill, Mills, Morton, Mulkern, Murchison, Murray, Najarian, O'Brien, Parks, Peterson, Pontbriand, Ricker, Rolde, Rollins, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Bither, Bragdon, Brown, Bunker, Carey, Churchill, Cote, Farnham, Genest, Good, Greenlaw, Immonen, Kelleher, Lawry, Lynch, MacLeod, McMahon, McNally, Norris.

ABSENT — Crommett, Dyar, Hamblen, Huber, Jalbert, Kelley, Morin, L.; Morin, V.; Palmer, Perkins, Pratt, Ross, Santoro, Tanguay, Trumbull.

Yes, 116; No, 19; Absent, 15.

The SPEAKER: One hundred sixteen having voted in the affirmative and nineteen in the negative, with fifteen being absent, the motion does prevail.

Sent up for concurrence.

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

Mr. DONAGHY: Mr. Speaker, I would move reconsideration of item one on page one, which was L.D. 2576, and I would ask for a roll call on it.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves the House reconsider its action of earlier in the day whereby Bill "An Act Establishing the Maine Public Transit Fund Act," Senate Paper 938, L.D. 2576, was referred to the 107th Legislature in non-concurrence.

The gentleman may proceed.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for lengthening the debate on this thing, but it has been brought to my attention that there is a possible loss of federal funds to help in the study of this that might be available and probably will be available before the next session of the legislature. I think that someone else that is more knowledgeable on this than myself should speak on it. But I think in the lengthy debate that we had this morning that it was overlooked, this particular item, that might have something to do with the better handling of this than waiting until the 107th.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Gahagan.

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: We voted this morning not to concur with the Senate and voted with the committee report to refer it to the 107th Legislature. The Senate put on an amendment to this bill decreasing the amount of the transit fund from \$950,000 to \$50,000, and they also put on an amendment which says that a municipality or a group of municipalities may enter into contractual agreements with existing private transit companies which, in my mind, places proper emphasis at the local level.

The money is expected to be coming out of Washington and several states are now applying for this money. The reason that I feel we should enact this legislation now is so we can prepare our applications for the federal government so when the time comes when the money is available for mass transportation

from the federal government, we won't be left without any enacting legislation.

I hope you go along with reconsideration.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: We accepted the report. The bill had its first reading, now we are back where we started at the beginning of the day. I guess my first question would be to the Speaker. Are we reconsidering the first reading of the bill or are we reconsidering acceptance of the report?

The SPEAKER: The motion accepted this morning was the Committee Report, which was to refer the matter to the 107th Legislature.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: As I said before, and I won't bore you with any long dissertation. The committee felt that the Department of Transportation is well aware of this problem. The committee felt that it would be proper to put it ahead to the 107th to study it, to do an in depth study, and I am sure the Department of Transportation can apply for any federal funds that might become available in the interim.

My understanding is that these funds probably won't be available until some time after we convene again the first of the year, and we would have the benefit of putting together a feasible, workable plan and be ready to go.

Now in no way do I want to convey to this House that the Appropriations Committee is against a mass transit plan. We are against the timing only, and we feel that it should be studied and then the information used in the proper manner and approach the thing correctly. Because as I said before, if this goes the way it is going now, it will bounce back and forth, and by the time we get through, there will be eight or ten amendments on it, because everybody from every area and everyone from every phase of mass transportation will be trying to get their ideas into the legislation. I think it should be done in an orderly fashion. It is late in the day; it is late in the session; it is late in the year, and I would hope that you would go along with the recommendation of the Appropriations committee.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I won't speak on this at any length. I completely agree with the gentleman from Brewer, Mr. Norris. This is a very, very, very "iffy" thing from the very beginning. The gentleman from Caribou admits that the money yet has not been passed that he is talking about, even at the Washington level. So if Washington does something and if we want to do something, we can have the money available just in case somebody decides that mass transit is a good thing. So is it really a very "iffy" thing, and I think you had better go along with the recommendations of the committee and give it a good study in the 107th. I think this is the safest approach.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope we do reconsider our action. Mass transit is certainly a fact of the future. Because of our limited energy resources, we have got to get to it. There is no sense waiting. We should move now. There is no need to delay, and we can't afford to delay. So I would urge you to reconsider so we can get moving on mass transit.

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

Mr. BRAGDON: Mr. Speaker and members of the House: At the committee hearing, the Senator from Cumberland referred to the fact that this was something that President Nixon and the federal government were completely in favor of. Of course, it was aware that it had not been approved at that time by branches of Congress. I hold President Nixon's views in very high regard, naturally.

I just wondered if all of you good Democrats and good Republicans alike were fortunate enough to see Richard Nixon on Television last night. I did, and as far as I was concerned, it was the rebirth of the Republican Party. Here was a new Nixon portraying himself before the press and answering every question to their satisfaction. Even Roger Mudd couldn't open his mouth after the news interview was over.

The SPEAKER: Would the gentleman confine his remarks, please, to the mass transit fund, which is the issue before us.

Mr. BRAGDON: Mr. Speaker, I said that President Nixon was in favor of the transit fund, and I agree with him.

After I looked at President Nixon on the air last night, he was a man that I think has done a tremendous job for mass transit and also it now becomes evident that the whole oil situation is going to be settled and we aren't going to have to have any oil rationing. We straightened everything out with the Arabs and the Sheiks over there, and they have a lot of authority. Of course, we may have to pay more money, but this is all of transit, Mr. Speaker.

The SPEAKER: Would you kindly be more limited in your remarks. It is late in the session, and perhaps some of them don't agree with you on the remarks, and would you confine it to the mass transit fund, please.

Mr. BRAGDON: Mr. Speaker and Members of the House: On the condition that later in the day you would very courteously grant me permission, if there is time, to speak to the time on the record.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: There is one thing I do agree with Representative Bragdon this morning, that we do not reconsider this. It was defeated by a healthy 75 to 29. I think perhaps it is an exercise in futility, as far as I am concerned. The Appropriations Committee again in its wisdom, and I am sure under due consideration, knowing who sponsored this order originally, recommended to this House and to the other body that it be referred to the next session of the legislature, and I would hope that the House would go along with its previous position.

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

Mrs. CLARK: Mr. Speaker, Members of the House: I do hope for your positive vote this morning on the reconsideration motion. I do support the remarks of the gentleman from Caribou, Mr. Gahagan,

and believe it or not, the gentleman from Lubec, Mr. Donaghy, and I do agree on one subject — reconsideration.

It is important, particularly for rural or semi-rural areas in the State of Maine to have the enabling legislation to do the planning and necessary administrative work on the issue of mass transit before the 107th, thereby enabling implementation of such planning and administration at the time of the convening of the 107th Legislature.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a comment on the comments that were made by the gentleman from Brewer, Mr. Norris, regarding the federal funds. I for one, at least, would be willing to put an amendment on this, if we get it to second reading, that would say that the \$50,000 in the state expenditures would not be spent unless the federal programs did become available.

I think that the important thing we have to remember is that once these federal funds are available, there are going to be a lot of states that are going to be going after these funds. We should at least have some framework from within which we can, at least the municipalities can start the ball rolling toward getting these funds. I think if we wait until the 107th and Congress makes these funds available between now and then, there is going to be no way that anybody can even start the procedure to get these funds. Even though it is limited to the \$50,000, if we have that framework, we can start before we come back into session, and then if we decide that the state needs to get more money than the \$50,000 that we are making available, we can then expand on the \$50,000 that we would appropriate in this session.

I think it is important that we at least pass something so that the municipalities and the state can start on the road towards at least applying for these funds that I am quite sure are going to be available.

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

Mr. COTE: Mr. Speaker, Ladies and

Gentlemen of the House: I hope that everyone here this morning votes for reconsideration.

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

Mr. FLYNN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to go along with the Representative from Caribou, Mr. Gahagan. As you all know by now, since we debated buses, school buses, the City of Portland, South Portland, Westbrook and the Town of Cape Elizabeth own a transit district. The only reason we could get this, we went through the federal government and their transit. We bought it two years ago. I notice now that we have 18 new buses on the road since the energy crisis and more people are starting to ride those new buses. They don't get thrown around like they did in the old ones.

I urge you to go along with him, which would be a great help to the Greater Portland communities.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the motion to reconsider.

The Appropriations Committee tried to deliberate as best they could on this item. When it was first brought to us, the request was for \$980,000. By the very nature of this bill, the funds should come from the Dedicated Revenue, because it is transportation and it should rightfully come from the Highway fund. You just can't go ahead and take the money from the Highway fund because the funds are not there. We know, because of the energy crisis, that there have been enough decreases in their revenue and there is also the constitutional question which was brought out before the committee by Mr. Mallar. For that reason and for many other reasons, we decided it best to refer this to the 107th and have an opportunity to study it in the meantime. I would hope that you would vote against the motion for reconsideration.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of

one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House reconsider its action of earlier in the day whereby Bill "An Act Establishing the Maine Public Transit Fund Act," Senate Paper 938, L. D. 2576, was referred to the 107th Legislature in non-concurrence. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Boudreau, Briggs, Bunker, Bustin, Chick, Chonko, Clark, Conley, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Fecteau, Flynn, Fraser, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hancock, Herrick, Hobbins, Hoffses, Jackson, Jacques, Jalbert, Kelley, R. P.; Keyte, Kilroy, LaCharite, LeBlanc, Martin, McKernan, McTeague, Mills, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, O'Brien, Parks, Peterson, Pontbriand, Ricker, Rolde, Rollins, Sheltra, Smith, S.; Snowe, Soulas, Stillings, Talbot, Tanguay, Tierney, Tyndale, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Albert, Baker, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn, Brown, Carey, Carrier, Carter, Churchill, Connolly, Dam, Davis, Dudley, Dunn, Farrington, Faucher, Ferris, Finemore, Garsoe, Greenlaw, Hamblen, Hunter, Immonen, Kauffman, Kelleher, Knight, LaPointe, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Maxwell, McHenry, McMahon, McNally, Merrill, Norris, Palmer, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Sproul, Strout, Theriault, Twitchell, Walker, Webber.

ABSENT — Ault, Cameron, Crommett, Dyar, Evans, Good, Huber, Kelley, McCormick, Morin, V.; Perkins, Pratt, Ross, Santoro, Susi, Trask, Trumbull.

Yes, 75; No, 57; Absent, 17.

The SPEAKER: Seventy-five having voted in the affirmative and fifty-seven in the negative, with seventeen being absent, the motion does prevail.

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

Mr. DONAGHY: Mr. Speaker, I would move concurrence with the Senate. That would be to substitute the bill for the report.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves the House substitute the Bill for the Report in concurrence. Is this the pleasure of the House.

(Cries of No)

The Chair will order a vote. All in favor of the Bill being substituted for the Report in concurrence will vote yes; those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 52 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Senate Amendment "A" (S-405) was read by the Clerk and adopted in concurrence. Senate Amendment "B" (S-408) was read by the Clerk and adopted in concurrence and the bill assigned for second reading tomorrow.

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

Bill "An Act to Regulate Sale and Processing of Crawfish" (S. P. 937) (L. D. 2575)

Tabled — March 18, by Mr. Greenlaw of Stonington

Pending — Adoption of Senate Amendment "A" (S-400)

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

Mr. GREENLAW: Mr. Speaker, I would like to pose a parliamentary inquiry if I may. Is this bill presently in its second reading?

The SPEAKER: The Chair would answer in the negative. We are considering Senate Amendment "A". The pending motion is the adoption of Senate Amendment "A".

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would move the indefinite postponement

of Senate Amendment "A" to L. D. 2575 and speak briefly to the motion.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves the indefinite postponement of Senate Amendment "A".

The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: The Senate Amendment to this bill significantly reduces the overall effectiveness of the bill, inasmuch as the matter before the House now is adoption or indefinite postponement of this Senate Amendment, it is my understanding that it is not possible to debate the merits of this bill. But I would like to say that if the House is gracious enough to indefinitely postpone Senate Amendment "A", I would after that like to get up and discuss the merits of the bill for a minute and then offer House Amendment "A" to this bill.

The SPEAKER: The Chair would inform the gentleman that after Senate Amendment "A" is adopted, or if it is adopted, the matter is then assigned for second reading on the next legislative day.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Very independently I rise to oppose the indefinite postponement of Senate Amendment "A". I think there is only one provision in here that I think we should look at, and quite frankly this morning, I am speaking on behalf of, I guess, the restaurant owners of this state.

If you will look at House Amendment "A", which I just now received, but I have had a quick chance to glance at it, it appears to me that about the only change you are going to have which is going to be a substantive change over the Senate Amendment would be down where you are going to force a restaurant owner or anybody dealing with crawfish to post a penal bond. I think that is just about as discriminatory as you can get anywhere.

Right now, for anybody to deal in seafood products, especially lobster, you must have a license. Therefore, once he is licensed, he gives the department the

opportunity to come in and inspect his facilities and go over just exactly what he has on stock, where it came from, which also can be traced back. You also now in this bill are requiring this same individual to have a separate license if he is going to deal with crawfish, and I think that is important too, and I guess any of us in the business don't have any objections to that. But then when you make me go and post a bond on top of this, I think that is going a little too far.

In the 105th, I sponsored a piece of legislation which went through under the hammer in both bodies. But it came about because of some real poor quality food products that you could buy on the market, especially when it pertained to fish. When it came to lobster meat, lobster meat was being sold on the market without the processors name, the date of the processing or anything to do with it. As a restaurant owner, and I am sure that those of you who have been in the lobster business agree with me that there is a product that can change on you in one half hour, especially if it is not processed right.

This came about right after I had a confrontation with a dealer that I had purchased some 10 pounds of lobster meat from at a price of about \$12 a pound, which is \$120 bucks, that he claimed had been processed that morning, and yet when I got it home and I picked it up, and if you ever picked up lobster meat that is a little spoiled, it doesn't take long, it will slip right out of your hands so quick you always thought it had been out of your hands. Well, there is an old trick in the trade, and that is that a little sea salt and water can make that taste awful fresh in a hurry. That is a trick that the dealers like to use just as much as restaurant people have been known to use. But when you get in that position, suddenly they freeze this product. Then you buy it and you open it up and it isn't any more than opened up and there it is again. Within a few minutes it spoils on you again.

We were also having problems with claims that were coming through that were shucked without the processors name on the clams, the date that they were processed. So I went to the Commissioner and discussed this a long

time before I even decided to run for the legislature. And he agreed that the processing of shellfish and seafood in this state needed to be really cleaned up and that more restrictions had to be put on them. So when I came into the legislature, he asked me if I would be interested in sponsoring the legislation, I did and it went through.

This started to protect the restaurant people a little bit, and I think the legislation was good. I have talked with them since and I think they are pleased that it went through and it started to get rid of what I would consider gypsy operators.

Right now, I don't know as we put any type of a penal bond onto the processors or the distributors for their inability to sell a good product or to handle a product properly or handle it within the laws of the State of Maine. Instead, they have got a license. If they fail to comply with the State of Maine laws, then they lose their license. I think the same holds true with the restaurant operator. He has to first be licensed by the Department of Health and Welfare who comes in unknown and starts to inspect your place at any time, and you have to make yourself available to him. Also, you are subject to inspection from the Department relative to your handling of seafood, and they can come in at any time. And any time they see you in violation of this, you are subject to a penalty of a fine and possible loss of license. This is being done, and I think that is penalty enough. I think when you start to impose a bond on a businessman of this state, the implication that he has got to post a penal bond to handle a product, I can't agree with it. The rest of the bill I will buy by a hundred percent. I think it is a good compromise. This is on the courts right now or ready to go to court, and I think this legislature has taken the right step to keep us out of the court and in a case which I believe we would lose anyway.

I would hope that you would not indefinitely postpone this Senate Amendment and that we keep the bill right in intact as it is.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The amendment we are dealing with here brings the fees down considerably on this and I think the amendment to be offered later would match the same things.

The question as far as the bond goes could easily be removed from the second amendment or could be debated at that time. The problem with the Senate Amendment is removal of certain words in the Senate Amendment. They removed the duty of the seller to defend. Normally with lobsters it is not the duty of the state to defend, it is the duty of the restaurant. This would switch it back to the state, which would make it far harder to enforce the bill. It also removes, as far as the question of the meat in the shell, which the present bill says it will not be removed except immediately before use, removes the term "immediately," which brings a very fuzzy area into it. I would suggest that because of this, these are the problems chiefly with the Senate Amendment. It is not so much a question of the penal bond; it is more a question of the removal of the wording which would make the bill practically unenforceable.

I would hope that you would support the motion for indefinite postponement of this Senate Amendment so that we may submit our amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that Senate Amendment "A" be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Ault of Wayne 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 Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: It is somewhat with mixed emotions that I speak on this bill for one reason, that basically the lobster industry is one of the large productive industries we have in the State of Maine, and over the years, the legislature has been very careful to protect this industry.

I agree on one point particularly, that it would be an impossibility to enforce the law with the lowering of the fees such as intended in this Senate Amendment "A". On the other hand, we do not want to deprive this industry, but by the same token, we do want to put strong regulations on it to protect the lobster industry. And I don't think there is a man in this House that would go against that thought. Therefore, gentlemen, I hope that you will indefinitely postpone this amendment and let us produce ours.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I listened with interest to the remarks of the gentleman from Kennebunkport, Mr. Tyndale, when he said that we want to protect the lobster industry and we want to put strict regulations on this concerning this measure here. Now it is a known fact among you that know me quite well that I am by marriage closely associated with the lobster industry. That naturally would have to make me quite sympathetic to their problems, and I have always been sympathetic to their problems. But the remarks of my very dear friend, Mr. Tyndale, really intrigued me a little bit when he said, "You know, we have got to protect the lobster industry." Ten days ago, instead of waiting until I probably would have taken a trip down to Bristol, I decided to go in Lewiston and buy some lobster clear meat. Like a big-shot — I haven't bought lobster meat for years — so like a big-shot with 15 or 20 people around, I said, "Give me a pound of clear meat." I am there and — bang — they planked the pound of clear meat in front of me — \$15.50. What kind of protection do they mean? I got conned. I have got 15 or 20 of

my constituents standing behind me. I am going to look like an idiot if I don't scream, and I am mad as a hornet anyway, because my good wife had just come back the previous day from Pemaquid where I could find a little cheaper rates down there. I am hotter than a pistol, and it makes me a little bit aggravated that Lord Montague would come up and make the remark that the lobster industry needs protection. I don't think they need any protection at all. They have got it all.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think probably Mr. Jalbert was taken, but that is beside the point. As a member of the Marine Resources Committee, I reluctantly signed this bill in its original form without the amendment from the other body.

I realize that I represent probably 50 or 60 lobster fishermen who depend on this industry for a livelihood. We have had this law on the books, I understand, for about 35 years. I really feel at the present time that I might make the move to have this whole thing wiped right off the books, but at the present time I am certainly in favor of eliminating the amendment that came from the other body. I hope you will go along with me.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: As I rise here again, I am not opposed to anything except one section of this bill, and it pertains to the penal section on a penal bond.

Any of you who want to get into the business and you want to find out just exactly how to take a quick loss, you just get involved in it, and I don't think Mr. Jalbert is too far off in his price.

We took out the word "immediately" or the word "immediately" was taken out. I would like to be able to go to a processor and I would like to have him shuck every single lobster right in front of me and put it into a package, or I would like to have every clam shucked and put in right in front of me, but no, they have got to process it too. They have

got to be prepared for the rush or the peak period, and the same holds true, I don't care what you talk about, peak volume is what you have got to handle.

When you are going to take a product and you are going to force the restaurant operator to handle every single thing that comes in immediately, right then and there without preparing for a noon hour, then that is a little bit ridiculous. What do you want to do, go down to the cafeteria and have a cup of coffee and make them make it for you every time you go down there, or do you want to be able to walk in and get served and served in an efficient way?

A restaurant operator is not going to process something and let it set around to the point where they get subject to suit for ptomaine poisoning or something else. They are going to process it and prepare themselves for a noon meal or an evening meal or along those lines. So sure, the word "immediately" was taken out. And when it gets into the business, if you want to discuss this particular bill and the reasons for it — and that seems to be one of the issues — I can almost assure you that the last of July, or normally July 4th weekend, or the last week in July and the first two weeks in August, it is just about impossible for somebody in the State of Maine to really get lobster meat without really having to do an awful lot of digging or processing it themselves, for the simple reason that the demand is so great, especially the demand out of state and out of the country now, that the product is being sent out and it is not being left here in the state. So a guy that is in the business and deals with lobster meat and not live lobsters or what have you, but lobster meat, he needs to have some type of product to handle. People come into this state, they want it. If he is willing to put on his menu the fact that it is not Maine lobster, that it is crawfish, then okay, the people will know that and there is nothing that irks me and you more than to go outside of the State of Maine and see on the menu a Maine lobster tail or a Maine lobster and order it and turn around and say to the waitress, "You can't fool me, that is rock crawfish or African lobster tail." Yet, that is what happens.

I think the bill as it is written is a good compromise. I think it prevents the state from going to court, and I think it prevents the State from losing that court case. All we are saying is that in this particular amendment, I think the amendment protects the people who are handling it, and it takes the penal bond out and I don't believe a penal bond belongs in anybody's business.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: On quick assuming that the matter before us presently is indefinite postponement of Senate Amendment "A", the matter of the penal bond is not dealt with in that amendment at all. It is dealt with, as the gentleman from Standish, Mr. Simpson has indicated, in the House Amendment, which I would propose to present tomorrow during second reading. And if this is an issue, then perhaps tomorrow is the time when that should be debated.

Secondly, I would like to thank the gentleman from Yarmouth, Mr. Jackson, for enumerating the reasons why I think a large number of us in this body think that Senate Amendment "A" should be indefinitely postponed.

The gentleman from Lewiston, Mr. Jalbert, raised a point in regards to what the gentleman from Kennebunkport, Mr. Tyndale, stated. I think his point is well taken. I think I would like to indicate that although originally the bill was enacted in 1941 to give the lobster some economic protection, I do not see that as a viable issue any more, as the gentleman from Lewiston, Mr. Jalbert, indicated, because of the price of lobster today. But also, be well aware the price of lobster is perhaps quite high because of the middle man, not because of what the fisherman on the coast is getting for lobster.

One reason why they continue to be in on the sale of crawfish in the State of Maine could be argued is to project the taking of short lobsters off the coast and substituting that for crawfish.

I think the members of the Marine Resources Committee who reported the original bill out unanimously "ought to pass" feel that the Senate Amendment

substantially weakens the bill for the reasons that Mr. Jackson enumerated.

I would like us today to indefinitely postpone Senate Amendment "A" so we could tomorrow present House Amendment "A", and if there are discussions of the merits or demerits of that amendment, then I hope that would take place at that time.

I urge you to vote for the indefinite postponement of Senate Amendment "A".

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

Mr. McKERNAN: Mr. Speaker and Members of the House: I would like to pose a question to the gentleman from Stonington, Mr. Greenlaw, concerning the Senate Amendment under discussion. As I read the amendment to subsection 3, it says that it will be amended to strike out all of paragraph C and D. I think it is paragraph D, that concerns everyone. I would ask if that is correct or not?

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

Mr. GREENLAW: Mr. Speaker, is the gentleman from Bangor referring to the Senate Amendment?

The gentleman is correct, the amendment does strike out that section referring to the penal bond in the original bill.

The House amendment does reinclude that provision for penal bond in it. I would ask the House to indefinitely postpone Senate Amendment "A" today, and if this is an issue that needs to be discussed and debated, perhaps an amendment can be offered to take that out. But I think that is another issue that should be debated when the other amendment is presented tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I must rise in opposition to our fearless leader in the right hand corner. Coming from the coast myself, I can assure the other members of this House who are not residents along the coast that any of us who vote in favor of this bill to permit the

sale of crawfish are taking our lives in our hands when we go back and confront the lobster fishermen back home. But I think perhaps we all realize the situation confronting us in regard to the sale of crawfish in the State of Maine, and I think that we can convince the fishermen down on the coast. They have sometimes been referred to as not overly intelligent. I take exception to that. I think the fishermen on the coast are extremely intelligent, and I know that they are people who can understand the situation that we are confronted with here today.

In regard to the remarks by the distinguished gentleman from Lewiston, Mr. Jalbert, might I suggest to him that he use the same method that I do, and that is, refrain from eating lobster at this time of the year. We all know that there are very few lobsters being caught at this time of the year. We have only one section of the state, namely the waters around Monhegan Island, where they are fishing daily. The rest of the fishermen basically have their traps hauled. Their boats are out. They are preparing for the coming season. Naturally this is the highest price time of the year for lobster. I would like to have lobster myself, but I am eating hamburg instead.

I am going along with the motion to indefinitely postpone this Senate Amendment and will support the amendment of the gentleman from Stonington, Mr. Greenlaw, which, in my opinion, is the more reasonable amendment. And if the gentleman from Standish, Mr. Simpson, is concerned about the penal bond, I think perhaps that is something which can be worked out without any serious problem. I hope that you will vote to indefinitely postpone the Senate Amendment.

Mr. Simpson of Standish was granted permission to speak a third time.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly I would have to answer the gentleman from Camden, Mr. Hoffses, and also the gentleman from Stonington, Mr. Greenlaw, and that is, you know, there are probably a lot of people who don't eat lobster and so forth when they see the price, and I am sure that when

they go into a restaurant and they see the price of a lobster roll, people from out of state and even people in the state see the price of a lobster roll on the menu, a lot of them get discouraged and they don't eat it too.

You know, as I said before, I am not opposed to the rest of the bill or the rest of the amendment, and I don't believe the industry is. There is just one provision in it, and that is exactly what the Senate Amendment did. The gentleman from Bangor is correct. It took out the penal bond and if you look at House Amendment "A", it is going to put it back in, not to the extent that it was, but it is going to put it back in. So I think the issue is as simple as that. If you believe that the penal bond should remain in and be imposed upon the businessman of this state, then you vote to indefinitely postpone, but if you don't believe that the penal bond should be imposed on the businessman in the state, then don't indefinitely postpone it. Keep it right as it is.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I can assure you that I know very little about lobstering, and maybe I ought not even to get involved. Many people are now shaking their heads in agreement. One thing I am going to do today, I am going to listen to the people who know something about lobstering on the same basis that I expect them to listen to us in Aroostook when we talk about potatoes. I do it from a parochial point of view. I think this is something that is very important to those people. I also think potatoes is something very important to us, and for that reason I am going to vote with the coast.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this debate this morning. I would just like to say one thing. I represent probably the largest concentration of lobster fishermen on the coast of Maine, somewhere in the vicinity of a thousand. It is only natural

that they should become concerned when an area product from which they have been protected over a period of years is about to be foisted upon them. Therefore, I hope at this time you will debate this amendment and that tomorrow, when we have more time, we can discuss the issue more thoroughly.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think the question of the penal bond can be worked out in later times. I hope you won't allow this amendment to survive when there are other problems in it. So I hope you will vote for indefinite postponement.

I will leave you with one thought. We have talked about the lobstermen and the concern for the lobstermen. I think there should be a concern for the public here, and that is, the hour is getting late. We will all soon be eating lunch, I hope, and when you have a bowl of lobster stew, I think that a bill like this may make you a little more sure that the lobster in the lobster stew is truly lobster and not crawfish.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As far as I am concerned, the hour being late doesn't bother me in the least. I have been almost as quiet as a church mouse since Monday morning, and it doesn't make any difference to me anyway. I am going to grab a sandwich on the fly and then back up on the fourth floor and back over here. So I am in no hurry at all, regardless of the time.

The gentleman from Bristol, Mr. Lewis, says I probably was taken. He sure is dead right. I can guarantee you that Mr. Jalbert's little boy, from that time he was taken, picked up the cudgel from his father who said, "Don't ever get taken twice in the same bad joint."

The gentleman from Camden, Mr. Hoffses, says that the fisherman is a very intelligent person. I can guarantee you that he is a very intelligent person. If you talked to one of those babies, all you have got to do is blink your eyes and when you open them your stockings are

gone, he's got his fist in your pocket, you've got your shoes off and your shoe laces are still tied. I haven't been around that area for 37 years for nothing.

Seriously on this situation here, there are a great many people who are senior citizens who have spoken to me about this measure. If it is inferior for them at lower prices, that is that business. But let's not harpoon them with such regulations that are so hard that they won't be able to get to them.

It is all very well for someone to say they are going to the coast. That is perfectly all right, but I would like to remind also this, and bear this in mind, and if you don't believe me, ask the gentleman from Vinalhaven, the good gentleman to take you to his area, and ask the gentleman from Bristol to take you to his area and ask the gentleman from Camden to take you to his area and have them take you to their lobster pounds. Some of them are so full that sometimes they burst open at the seams. Because there has got to be a little levity and something to bear my report out that lobsters are plentiful in the pounds. It reminds me of a few years ago when my good friend Representative Cote and I arriving around Lincoln County. If you are hungry, leave. We went around and I kept going from one place to another. We had a little bang at home, so the good Representative Albert Cote and I are looking for clams and lobsters about this time of year — nothing. We went from one place to another and nothing. We landed in Pemaquid — nothing. So finally, my dear friend says, "Why don't you try the real approach, tell them you are Boone's husband." So the next one we came to after being turned down 37 times, and I think the gentleman will agree with me, I said, "We are looking for some clams and lobsters, and I am Boone's husband." He said, "Follow me." It was just as easy as that. I am just as sure that any of you who want lobsters, you can go to any pound along the coast and you will see them bulging with that delicacy ready to be shipped to New York, California, Cleveland, Pittsburgh, Boston and points elsewhere. If you don't like that, go where I went at \$15.50 a pound.

The SPEAKER: A roll call has been

ordered. The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that the House indefinitely postpone Senate Amendment "A" in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Bither, Boudreau, Brawn, Briggs, Bunker, Carey, Chick, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Davis, Donaghy, Emery, D. F.; Fraser, Genest, Good, Goodwin, H.; Greenlaw, Hancock, Hobbins, Hoffses, Jackson, Kelleher, Kelley, R. P.; Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morton, Mulkern, Murchison, Murray, Norris, O'Brien, Peterson, Pontbriand, Rolde, Shute, Silverman, Smith, S.; Sproul, Strout, Susi, Talbot, Tierney, Twitchell, Tyndale, Walker, Webber, Willard, Wood, M. E.

NAY — Ault, Baker, Berry, P. P.; Berube, Binnette, Birt, Bragdon, Brown, Bustin, Cameron, Carrier, Carter, Chonko, Cote, Cressey, Curran, Dam, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dunn, Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Gahagan, Garsoe, Gauthier, Goodwin, K.; Hamblen, Herrick, Hunter, Immonen, Jacques, Jalbert, Kauffman, Keyte, Lawry, Lewis, J.; Najarian, Parks, Ricker, Rollins, Shaw, Sheltra, Simpson, L. E.; Snowe, Soulas, Stillings, Tanguay, Theriault, Trask, Wheeler, White.

ABSENT — Crommett, Dyar, Huber, Kelley, Morin, V.; Palmer, Perkins, Pratt, Ross, Santoro, Smith, D. M.; Trumbull, Whitzell.

Yes, 75; No, 61; Absent, 13.

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

Thereupon, the Bill was assigned for second reading tomorrow.

(Off Record Remarks)

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

Mr. Fraser of Mexico was granted unanimous consent to address the House.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: As you know, a couple of days ago we passed a resolution here honoring the Rumford Basketball team. My son is a great fan of that team, so I sent him my copy of the order we passed that day, and this morning I received this note from my daughter-in-law.

"Received your copy of the congratulations to the Rumford team. I think that is great. But how about mentioning too, Mr. Theriault, that we also have a state champion girls ski team, a state champion wrestling team and how about honoring these fine youngsters too? Coaches for the girl's team are Jeff Knight and Karen Fisher."

On motion of Mr. Birt of East Millinocket,

Recessed until four o'clock in the afternoon.

After Recess

4:00 P.M.

The House was called to order by the Speaker.

Orders Out of Order

Mr. Drigotas of Auburn presented the following Order and moved its passage:

ORDERED, that Kathy and Stephen Drigotas of Auburn be appointed Honorary Pages for today.

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

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

ORDERED, that Tracy and Stephen Ryan of Augusta be appointed Honorary Pages for today.

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

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

Bill "An Act to Correct Errors and Inconsistencies in the Education Law" (S. P. 895) (L. D. 2488) Emergency

Tabled—March 19, by Mr. Simpson of Standish

Pending—Further Consideration

(The House passed the bill to be engrossed as amended by House Amendment "A" (H-682). The Senate passed the bill to be engrossed as amended by House Amendment "A" (H-682), Senate Amendment "A" (S-371), Senate Amendment "C" (S-386), Senate Amendment "D" (S-391), Senate Amendment "E" (S-398), Senate Amendment "F" (S-402) and Senate Amendment "G" (S-403).

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

Mr. KELLEY: Mr. Speaker, I move we recede.

The SPEAKER: The gentleman from Southport, Mr. Kelley, moves that the House recede.

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

Mr. LACHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I hope we do not recede at this time for the purpose of an amendment which would be tried to be put on this bill now. The amendment which is to be put on by the gentleman from Southport is a bill which would repeal L.D. 1994. At this time, I hope that you do not vote to recede.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: I thought I might add a word or two to this amendment. This amendment is 11 pages long, but it is all confined actually in one paragraph. It definitely does call for the repeal of 1994.

One big point about this is that practically 8 per cent of your school districts throughout the State have made up their budgets and have planned their buildings on this bill. I certainly hope that you don't recede.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: The

amendment which I wish to offer has been properly described. The whole crux of the amendment is in the Statement of Fact, and the purpose of this amendment is to repeal the recently enacted formula for school financing and to reenact the formula previously in effect.

In the closing days of the regular session of the 106th, L.D. 1994, an illogical, ill-conceived, unconstitutional monstrosity was sold to us as a Robin Hood scheme to rob the so-called rich towns for the benefit of the majority of the people of this State. Now that this egg has hatched, we find that we have hatched a monster, a monster that has had many interpretations by the Attorney General's Department. This bill takes away from the local communities almost all of the remaining control of the schools and puts the power here in Augusta.

Although many communities appear to have benefitted financially, the people of this State will have to pay an additional \$50 million-plus for the State to finance this plan, and this is only the beginning.

At the present time, there is no equity in local and state valuation of towns. There is no consideration of the earning capacity, a measure of ability to pay of various communities. For example, compare Wiscasset and Westport.

In the near future, a major tax increase, possibly two cents on the sales tax and doubling the income tax will be necessary to fund this program. The starry-eyed dreamers in their ivory towers in recent years have gone full circle in their educational theories, and at what cost? The fiscal irresponsibility is well illustrated by L.D. 1994. Their answers to all educational problems is, give us more money and give us more power, more control.

While calling for equal educational opportunity, they espouse the Head Start Program. At long last, some of these self-styled experts are beginning to recognize something known to every farmer in this House, the heredity of an individual has a great effect on that individual.

Last spring in the closing hours of the 106th, we made a grave error for the

wrong motives. We enacted a very bad bill. Let's take care of this error and go back to the old way; accept this amendment and we will do just this. The only other thing needed is an effective date of July 1, 1974. I hope you will vote to recede so this amendment may be considered.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I hope we don't recede today. This bill is doing a lot for the towns in my district, and I want it to keep on as it is.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I agree with all of the comments that have been made by the gentleman from Southport, Mr. Kelley, that the fact that the passage of 1994 was a very serious and very drastic change in the education laws.

Probably the motion that I am going to make will be one that I dislike to make more than any I have had to make, but I do feel that until a complete review of all of the funding changes that have been made in the passage of 1994 are corrected, it would be an impossibility to adopt this amendment today. I think at this stage of the game, at this stage of the procedure in the legislative process and where we are, and to correct completely the changes that have been effected, I think it would be an absolute impossibility. Any adoption of this amendment I hope would not be considered. When it does come up — I understand we are in the process of receding right now, is that right?

The SPEAKER: The pending question is on the motion of the gentleman from Southport, Mr. Kelley, that the House recede.

The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you have looked at this so-called amendment to the errors and inconsistencies in the education laws. Somebody says this is 11 pages. All you have got to read, as Mr. Kelley from Southport has told you, is the last page. It repeals 1994.

I think this is more drastic action than he claims 1994 was. I could say a lot of things about this. I am not going to say very much about this little gem here, this big gem. It is very simple, just a few lines in the back, however, tells the whole story. I could ask if it is germane. I am not going to do so because some people might ask the same questions about some other amendments. So we won't say anything about that. But this so-called amendment should have been put in as a bill, and why wasn't it put in long ago as a separate bill? For that reason, I am against the motion before the House right now.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Southport could have the very same arguments that he used in opposition to his amendment. If you revert to the former formula subsidizing education in this State, you are asking the taxpayers of this State to send money back into these communities that make a relatively small effort in support of education. The number of mills for State valuation, in many of these communities it is a relatively insignificant amount of money. But the effort made by many communities in this State to fund their educational system is a tremendous tax burden, and to revert to the former formula would be to tax those who are already taxing themselves a great deal to make an additional tax and send money into these communities that make very little effort.

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

Mr. FERRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am getting a slight case of *deja vu* from this debate this afternoon and thinking back to last June during the passage of 1994, and we are still seeing and hearing, weeping, wailing and gnashing of teeth. This House Amendment "B" is not a little gem, it is a huge boulder, and its introduction is about as subtle as a plane crash.

I would like to refer to the Kennebec Journal of this morning, an editorial

entitled "It's Working"! It's working, as the TV ads squeal, although they aren't referring to the state educational subsidy law. Property taxes have been going down in town after town this annual meeting season, and in many cases credit is given to the equalization law.

"State education officials say a spot check of 296 Maine communities shows that local taxes for school purposes have declined an average of 8.8 per cent over a six-month period while gross budgets increased during the same period by 10.5 per cent.

"The basic reason behind the overall reduction in school property taxes may be traced directly to the Maine Legislature's decision last year to assume an additional 17 per cent of the total educational bill.

"The new law is by no means perfect, although it is a long chalk ahead of past subsidy laws. Inequities remain, especially in a minority of communities which are adjudged wealthy on the basis of state property tax valuations and thus forced to assume a portion of the education costs in poor towns.

"Still, the thrust of the law — to relieve the burden of local property taxes — is completely valid. Moreover, it seeks and will achieve the goal of making it possible for every Maine child to receive a solid basic education.

"To legislators who warn darkly that the new law will eventually require an increase in the state income tax we respond that such an action is preferable to the only other alternative, intolerable increases in property taxes."

I ask you to look over that editorial, and I think you might agree with it. I might even call upon my colleague, the Mayor of Waterville, to make some remarks about what I heard on the radio this morning about Waterville's situation and its forthcoming savings from this bill. I hope my colleague will support me on that.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: Much has been said about making a mistake last session by enacting this bill. I can't see,

if we made a mistake last time, how causing utter chaos in those towns that have already had their budget meetings for their school administrative districts in the towns, as the case may be, would improve the situation. As a matter of fact, I am not sure whether they would bother deciding which size blows they would use in their shotgun shells when they came down to Southport if this amendment is really passed.

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

Mr. KELLEY: Mr. Speaker and Members of the House: In reply to my good friend Mr. Bither from Houlton, I would like to say that this bill will come under errors as well as inconsistencies, because the bill is quite inconsistent all the way through.

This was offered to the committee on admission of bills so that it could be discussed during our session here and it was refused.

As far as chaos is concerned in our schools on financing, if this bill were made effective at the end of the fiscal year, so it became effective July 1, it would be a very easy transition. We would only have had one half year under this financing plan. Granted, at the moment, many towns feel they have benefitted, but as I tried to point out before, wait until you go back to these people and tell them that we are going to have to double the income tax or we are going to have to put two cents on the sales tax or a combination of these two to finance this. They are finding that they are taking so much money out of their other pockets, maybe they were better off under the old system.

I thank you for listening to me. It is a real problem in my community and many. And as I pointed out to you, as far as the communities ability to pay, it makes a whale of a difference whether there is a big paper mill that is making money or whether like Wiscasset you have a source of power that pays a large percentage of the taxes or whether you get into an island like Westport or Southport where there is practically no commercial tax base at all and it comes onto the retired people and the people that are working in various industries

around and our fishermen. I do wish you would really give this thing some serious consideration. Particularly one of the things I object to most, other than the finances, is this taking away of all power over our local school and centralizing it here in Augusta.

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

Mr. LaCHARITE: Mr. Speaker, ladies and gentlemen of the House: There are two things I think I would like to say. First of all, 1994 doesn't go into effect until July 1 of this year. The other thing, if this is repealed, I think the towns that have completed their town budget procedures would really be in quite an uproar and you would have to have all new budget hearings again.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: First, to add to what the last gentleman just said, after April 1 you can't raise money through taxation, so you would be in trouble.

But what I want to bring out more than anything else, the gentleman from Southport, who is a great friend of mine, their tax effort is only 4½ mills. That is a very low tax effort for schools, where Mt. Desert is 12 mills, Jay is 13 mills, Bradley is 14.1 mills, East Millinocket is 12.4, Bremen is 17.8, and SAD 7 is 16. That sounds big. 16 or 17 mills sounds big, but what about our towns in Aroostook County and many other towns throughout the State who raise 68 mills, 68 mills for schools alone? That is what my town raises — 68 mills. A lot around there raise more.

I know what someone is going to say. They are going to say, "Well, your valuation is off." I will agree, our valuation is off all over the State, and that is what I hope to be around here long enough for, to see State valuation made by State assessors so we know where we stand. But I don't know how we can operate in the State of Maine. I realize that some of these towns, like the gentleman from Southport has said, hate to pay this in, and I don't blame them.

But this is the first time that we have ever had a step towards equalized school costs.

We are paying in our town per thousand dollar valuation, we have been paying 68 mills. Some other town has been paying 4. Maybe they are more fortunate than us, but as a rule, some of these towns right now that we have paid in \$225,000 that I have got an actual record of, and they tell me of one town — I haven't the record right here, but they tell me it is \$825,000 we were paying into that town under the school subsidy law, where now they will be paying back a little bit of bait. I wonder which is the best? For them to pay in a little or for us to help carry their schools along?

I hope that you don't vote to recede here, because recede — I can't go back and tell you what it does mean. It means school buildings to the State of Maine and 91 per cent to the towns in Maine. In other words, it is 52, one statement says, 51, but the statement I have here from the Education, which I am not sure is correct — Mr. Greenlaw seems to have one a little different than I have — but anyway, the 51 towns, there are 36 towns and cities and 15 plantations that are hurt. But even with these, there are over 90 per cent of the towns that are going to be helped and 10 per cent hurt.

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

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Kelley's amendment will completely destroy the intent and purpose of 1994. There are the die-hards that have been taking pot shots at this bill every so often since we started this session without giving it a chance to see if it would work. There are several communities crying wolf because they will be paying within a period of three years the same for education as the rest of us. Ask these communities what their tax efforts were towards education, and they will be giving you the answer as to why they are trying to amend this 1994.

The fact is that 1994 is working and working very well. The facts are out and letters upon letters are coming into support these facts. For example, here is one of the many letters received and

reads as follows: "Having just completed our town meeting in the Town of Lisbon last evening, I thought this would be a good time for the superintendent of local school system to react to you regarding our new subsidy laws. In my opinion, our new subsidy laws were meant to reduce the tax burden of our local communities, equalize educational opportunities to all children in the State of Maine and to provide services to the handicapped children. I am pleased to report to you that as superintendent of schools for the towns of Durham, Lisbon, Sabattus, a little loss will have a positive effect upon our school budget and program. The citizens of the communities have been receptive to the implication behind this law and in general, in three communities we are accomplishing objectives that I have listed below. Personally, I am very pleased with the results and look forward to implementation of the law in our communities. I do hope you will pass this on to the members of the committee and express my sincere appreciation for the efforts on our behalf."

Ladies and gentlemen, this is typical of the reaction within and from outside the State. I hope we do not recede, and I would ask that the vote be taken by the yeas and nays.

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

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

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

ROLL CALL

YEA — Berube, Birt, Dunn, Farley, Greenlaw, Hancock, Hoffses, Jackson, Kelley, R. P.; Lewis, E.; McHenry, Rolde, Shaw, Trask, Trumbull.

NAY — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Bither, Brawn, Bunker, Bustin, Carey, Carrier, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cottrell, Curran, Curtis, T. S.,

Jr.; Dam, Davis, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Farnham, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, K.; Hamblen, Hobbins, Hunter, Immonen, Kauffman, Kelleher, Kelley, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McMahon, McTeague, Merrill, Mills, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Palmer, Parks, Peterson, Pontbriand, Pratt, Rollins, Santoro, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Susi, Talbot, Theriault, Tierney, Twitchell, Tyndale, Walker, Webber, Wheeler, Whitzell, Willard, Wood, M. E.

ABSENT — Boudreau, Bragdon, Briggs, Brown, Cameron, Carter, Cooney, Cote, Cressey, Crommett, Deshaies, Dudley, Dyar, Farrington, Goodwin, H.; Herrick, Huber, Jacques, Jalbert, Knight, Maddox, McKernan, McNally, Morin, L.; Norris, O'Brien, Perkins, Ricker, Ross, Sheltra, Silverman, Sproul, Tanguay, White.

Yes, 15; No, 100; Absent, 34.

The SPEAKER: Fifteen having voted in the affirmative and one hundred in the negative, with thirty-four being absent, the motion does not prevail.

Thereupon, on motion of Mr. Murray of Bangor, the House voted to recede and concur.

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

Bill "An Act Providing for a Workmen's Compensation Insurance Fund" (H. P. 2047) (L. D. 2580)

Tabled — March 19, by Mr. Smith of Dover-Foxcroft

Pending — Passage to be engrossed

Mr. Smith of Dover-Foxcroft offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-770) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This amendment represents an oversight of mine in preparing the bill before it came

out of committee. I told the committee that I would prepare an amendment that would allow a transfer of funds into this fund if it is in fact enacted and it starts collecting premiums that would reimburse the State for the two per cent premium tax that it presently gets on the sale of insurance policies from private carriers. It probably doesn't make any difference anyway, because this thing is going to come back from the Senate in a far different form than it is going down there, but I did want to send it down in a consistent form, and it was simply an oversight on my part, and I sort of apologize for it.

Thereupon, House Amendment "B" was adopted.

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

Mr. DONAGHY: Mr. Speaker, is it now in a position to be indefinitely postponed?

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that this Bill and all accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would give this bill more thought, because this is simply putting the State into the insurance business in an area where they are not at the present time at all qualified. They don't even have an actuary. They already control workmen's compensation to a great deal because most everything goes through the Workmen's Compensation Commission as far as the awarding of benefits. In other words, if a man loses a finger, the State tells the insurance company how much they have to pay for the loss of that finger, and it goes on from a finger to a hand to foot, whatever members of the body or use of a member, this is all figured by the State at the present time. So it isn't a case of the insurance companies stalling.

Another little item, I don't sell this any more, but when I did, it was strictly an accommodation line in order to help your customers take care of all their insurance needs. And for your information, at that time, the average commission rate was 5 per cent. You

can't run an office on 5 per cent, and the State can't run an office on 5 per cent. As a matter of fact, when you get into larger businesses, the rate is reduced and you have got less than 5 per cent. This isn't any bonanza that is going to save a great deal of money. I think that you ought to reconsider putting the State into the insurance business where they are going to have at the present time no expertise and no one that does have this expertise.

Mr. Smith has some up in Dover-Foxcroft that he has a good job for.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that this Bill and all accompanying papers be indefinitely postponed. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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 Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Not having had too much luck around here this morning, maybe we will try it again this afternoon.

I still get awfully concerned about the way this legislature is going, and I guess this is just another area. Yesterday we had an awful lot of debate on this particular bill, and since then I have looked it over even closer and even given it more thought, and I still think that there has been some statements put on this floor that are really not pertinent, relative or accurate.

I have got some questions myself I would like to ask, and I have something I want to read to you here. As I look at this thing, we are going to put the State right into the workmen's comp business. As

we do, I don't see anything here that is going to give the unhappy employer a chance to take and go elsewhere, that he is going to have to take and listen to the State, let it be run by the State. There will be no competition. They won't be able to choose between competing products or service. The service is not going to be there that is provided by the insurance companies now, and this is service also that is provided on a nation-wide basis and not just on a state basis.

Then I would ask you this, what is going to happen to the particular industries in this State or the employer in this State that is subject to federal legislation or federal jurisdiction? And I ask this question, have they then got to also buy private insurance from a private carrier to cover that and also duplicate their premium payments through the State?

Yesterday we were told that this is just an innocent piece of legislation and it is just to get it on the books and we can take a look at it and study it a little bit. But this is a memo that came down from the State Treasurer. It says, "This Act places substantial responsibility on the Office of the Treasurer and accordingly it seems necessary to request an additional position of Accountant II at a salary of \$8,696 and all other expenses of \$250 with capital expenditure of \$800.

"This bill appears to create a fund rather than a direct state agency. Section 210 "such moneys are not state moneys". Section 213 requires that the Treasurer of State keep a special ledger account showing all of the assets pertaining to the fund, accounting only for revenue; expenditures according to Section 215 "are exempted from the restrictions imposed upon the expenditures of state moneys." Instead of providing for operating funds from surplus, Section 236 provides for the issue of revenue bonds, placing no restriction on the amount that may be issued. And while Section 237 states that the bonds do not carry the full faith and credit of the state, no instructions are included that each carry such legend. It appears that such a fund is neither an Authority nor a direct state agency and it is the considered opinion of this office that the State Treasurer should in no

way be connected with it, unless the fund were made a duly qualified state agency.

"An alternative solution would be to create an Authority with an effective limit placed on the contingent liability of the State."

I think that pretty well answers some of the questions that were brought up here yesterday and some of the things that actually were said were not in the bill. Well, we are back right once again floating some more bonds, and once again they are tax exempt bonds. I still say that the right way to go about this issue is to keep it right in the Labor Committee, right where it belongs, right where it was, as a part of a study such that this whole concept is given some good, thorough analysis, we obtain some actuarial studies and some figures and come back to the 107th. I don't believe any employer in this State or any employee in the State is going to be substantially hurt if we do.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Simpson of Standish has made some statements, said statements are incorrect. I have listened to this bill very carefully. Once in a while I doze off a little, but I don't think I miss too much on it, miss too many statements on it. I would say that probably I was aware of workmens compensation, maybe aware of it as well as some of the insurance agents we have here. I know that we cannot go on with the cost the way it is now. Maybe this is not the right bill. I am not going to say it is the right bill because I am not a lawyer and I don't understand it well enough but I do know we need help. I know especially the woods operators need help. I am not operating any more and at the present time I am not buying workmens compensation. But I know that a lot of us closed down and this is the reason I closed out using men was the fact that it was the cost of workmens compensation.

Also, the gentleman, Mr. Simpson, has said some of the things he is not proud that has happened in this legislature. Well, I hope that the gentleman would

check over and find out where this started and who is to blame for it. Please let me know, because I don't think we have made too many mistakes. I don't think we have held up anything here. I think we have done a pretty thorough job. I think leadership on both corners has done a good job and I am glad to go with them. But I don't like to hear the legislature criticized, we get enough of that in the newspaper.

Mr. Donaghy from Lubec has stated that the cost is something like five percent. Again, I am not an insurance man but I hope you will check this a little deeper. I hope he will make himself aware of workmens compensation. Apparently, from my understanding and his talking that he is not aware of what is happening under workmens compensation. I think it is happening in Washington County, in fact, I know it is happening in Washington County as well as it is happening in Aroostook County. I know we need help. And again, I will make my statement over again; maybe this isn't the bill, maybe this isn't the time, maybe the 107th is the time. But we have worked on bills here that had been a lot less needed, put a lot more time on them than we have on this one, and it seems to me we can go a little further with it and then maybe we will have to send it to the 107th. And I don't want to put anything on the state that is going to take more bonds that is going to cost any more. I am probably one of the best conservatives and most conservative in the House. But at the same time I think something has got to be done on this so that the small operator can work. The small operator today is being driven out and when he is driven out, suppose he has only got ten men, those ten men today in the woods are making more than 20 men that is working in some summer resort or something like that, and maybe more than 30 men.

The woods operation today, their payroll would run \$200 to a man for five days. I don't think there is another occupation in the state doing as good as that. I don't think there is an industry paying any more than they are in the State. I think they need a little help. Again I will say, in order to speak the third time, maybe this isn't the bill but let's do something for them.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure whether I made a misstatement or the gentleman from Bridgewater, Mr. Finemore, wasn't listening, but I thought I said, and I intended to say that the commission, the profit, so-called, have grossed was five percent on workmens compensation. I further said that you couldn't run an office on five percent commissions. As a matter of fact, on larger cases you don't get five percent. Now, I am not sure at this present time because I haven't sold it for about seven years, but I have never heard of any great change.

Mr. Finemore has gone into great detail about the problems of people in the woods. Well, there are also problems of people that work around the water, and this is something I do know something about as well as woods workers. For instance, if you have a man on a boat, he is under entirely different laws, Mr. Simpson said under federal law, and many of your carriers will go along and place these people under the same policy rather than have a separate policy. But the State of Maine has said nothing about this issue or if someone that works in your factory or in your docks down on the beach and a boat rolls over on him he comes under a federal law rather than a state law. And these are problems that there is no sense of going into detail here on because it would take weeks to even go through all the details that are necessary. And it means that there should be a study. Yesterday I asked what happened to the study that was supposed to have been made on this. I got no answer. There should be a study of this made by a competent committee, and I feel sure our Labor Committee is just that, before this is placed before the House as a bill.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the motion to indefinitely postpone. Except for a few people in the logging industry of the

State of Maine, those who can't buy workmen's compensation now, the employee in the State of Maine isn't going to get anything out of this bill. The only reason I supported this bill is to save some money for the business man in the State of Maine by way of premiums. So I am hoping you vote against the motion to indefinitely postpone and maybe we can get this back a little later in the right form.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am very much concerned about this bill. One of the things this House and this legislature has been pretty careful of is the attempt to force things on great masses of people. Now, there is a great coercion in this bill, and I would just like to read you the one sentence in the last paragraph of 201 on the first page. It says, "It is the intention of the legislature that with the exception of self insurers that said funds shall be the sole provider of insurance for liabilities for injuries compensable under this act." Meaning the workmen's compensation act. It puts the State into the insurance business as the sole provider. Now, that to me is very great coercion. We all know that insurance premiums are based on risk. But this makes every little grocery store, every little dry goods store pay the same premium as the high risk woods operations are making if they are going to pay into this fund, and that is the only source they are going to have for this workmen's compensation. They don't pay these \$200 a week wages in those stores that I just described, as the gentleman from Bridgewater spoke about, because these stores aren't high risk businesses and they can't afford to pay these kind of things. I just think there is something fundamentally wrong with a bill that all of a sudden completely turns over the insurance business in the State of Maine and makes us all buy from the same source, regardless of the risk involved.

Pooling risks is not new, and we all do it and we have groups and that sort of thing which cut down on risks. If they wanted to make a pool for this high risk

business in their own area, much the same as you have got a pool for high risk automobile insurance or something of that nature, that is one thing. But to force everybody in every kind of business regardless of what it is to buy this insurance from this pool which is then going to be leveled out with this high risk business is coercion of the worst sort. I just can't support it.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I don't—if I said that I didn't mean to. I don't believe that premiums should be the same. I have no intentions of wanting the same. I think we are high risks and I think we should pay more for high risks, but I think we are paying too much. I think when you get up around 13 or 15 percent we are paying too much, we can't operate on it. No, I wouldn't want a store keeper to pay what we pay, I wouldn't want a farmer to pay what we have got to pay, by any means. I hope that I didn't pass that on, I had no intentions of doing it because that wouldn't even be sensible, we are a high risk, we know it. If they put us in a class of our own, if the State had it, we would be satisfied because we don't think the rate would be so high. If they sell this to insurance to some out of state group we don't care, but we still think there is something that can be done in order to bring our costs down. I am not asking anyone else to pay any of the share of the woods and I don't think we should, by all means. And I am very sorry if Mr. Morton thought I said that or my intent was in saying that, but I apologize because I don't expect them to pay our way, we will pay it.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to this bill, and not just a little bit but a whole lot. Anything that I ever see the State take over ended up costing the people more money and I am sure this will. First of all, I can't see in the bill where it makes any distinction between a man that is high risk and a man that is

low risk. In other words, what they are trying to do, we have a lot of dangerous jobs in our area and they want them to pay the same rate as a man running a grocery store or some place where the risk is great. I think this is wrong. What I am more concerned about than ever is Maine's high rating on our bonds which at the present time is about to the peak where we can be thrown back into a lower rating where, say they are rating bonds, we are going to end up with the State and we are going to have about an A rated bond and we are going to pay a lot more interest on all of our bonds. This concerns me because we have got too many bonds per capita out now. These bonding firms are commencing to ask questions and watch it pretty close. And this could be the thing that really does it so far as us paying high interest on all of our bonds.

I think this hasn't had enough study. I think we have got to set up rates like insurance companies have to make distinctions in these industries that are high risks and those that are just picking blueberries or just tending the store or something. I don't think you get as much injuries picking blueberries or tending the store as you do cutting logs or cutting timber. And there is no distinction that I can see in this bill. So, there are so many things wrong with this I would like to see, the idea is all right probably, but we are going to have to have a lot of study and we are going to have to make a lot of adjustments before this passes.

I think tonight you will come up with your responsibilities of trying to do a prudent thing and pass this over so that it can be studied further and eventually we can have it with different rates and many other adjustments. But, by all means, help us save our good rated bonds that we now have in the State. I am sure if this passes this will be the final straw.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: There have been so many arguments against the bill that we would probably not only prolong today but the whole session if we answered each one of them specifically. But, there is one that is of sufficient

magnitude that no member of this House should vote one way or another on the bill until they are aware of the answer.

The bill before us is L. D. 2580. On page two of that bill, near the top, in section 203, which I would ask you to look at, there is a provision entitled Rates. It is three lines, you folks can read it better than I can. I read that to say, and by the way title 24-A is the insurance code of the State of Maine, that to say rates shall be set for the fund by the Commissioner or now he is called, I guess, the Superintendent of Insurance, in exactly the same way it is said now. I certainly trust the good faith and honor of every member of this House and I do not challenge it, but on factual accuracy I do. To say that the purpose of this fund, that it is required or even allowed that every employee have the same insurance rate regardless of whether he is in the relatively undangerous business such as being, let's say a legal secretary, or a relatively dangerous business such as being a pulp cutter; that they will pay the same rates is factually wrong. And it is wrong because of the provision, very simply, in section 203. So even though the intentions of the people that have proposed that to us may have been the best, the information is very poor, it is inaccurate; it is 180 degrees out.

I would like to go through, not all, but a few of the specific points made by my good friend, the gentleman from Standish, Mr. Simpson. I guess I should stand here and confess that like, at least, one other gentleman in this House, the gentleman who occupies the Rostrum, our Speaker; I can say that I have some little exposure to the workmen's compensation field as does our Speaker. Self-insurance, if allowed, that is a crucial point. The employers who now operate under the self-insurance system are mainly the larger employers. They have recognized, I think, that the rates charged by insurance companies place an inordinate burden on their business. They have chosen, either wholly or partially, to bear their own risk. By the way, that should tell you something about insurance rates in this State on workmen's compensation. Now the self-insured employer, and many of our paper companies and larger industries,

are in that category, they pay out benefits on the same basis as the employer, who today is insured with private insurance. The law is the same in regarding the employee, and yet, they have chosen to be self-insured. Do we have any unhappy, if you will, employers in this State under the current system? Yes, we do. Do we have any employers that may be or have been driven out of business because of the level of rates? We do. Consider the statement of the gentleman from Bridgewater, Mr. Finemore, of the problem in Aroostook and other counties, particularly as it applies to pulp cutting and other dangerous occupations involving these particular small employers that are also in this economic strait jacket. It has been mentioned to you that certain injuries, even though geographically within the State of Maine, are not covered by the workmen's compensation act, but are covered by Federal law. That is true. The Federal Law is called the Longshoremen and Harbor Workers Compensation Act. I would claim a degree of familiarity with that Act. That Act applies, for example, to longshoreman in Searsport and Portland, and the ship builders in Bath and other people in maritime employment in the State of Maine on the navigable waters of the United States. This fund would not cover that type of situation. For example, the shipyard at Bath, the main yard on the Kennebec River, is covered under the Longshoreman's Act, not the State of Maine Workmen's Compensation Act. The Bath Iron Works, if this fund eventually came into being, would not buy their insurance in the State of Maine, they would continue to purchase privately as they are now. On the other hand, that part of Bath Iron Works that involves the Harding Plant in East Brunswick, which is basically a fabrication plant, is not covered under the Longshoreman's Act, and is covered under our State law. Is there any difficulty of coordination of that? No, there isn't. Twelve states in the United States, today, have State funds. My source on that is Professor Larson, the book is in the library. Many of those states, for example, the State of

California, have maritime employment and ship building, just as the State of Maine and it works. We have also heard about the statement from the Treasurer of State, I guess trying to put, if all else fails, additional money on this. There is a need for some money and there is some money on this bill. We do, in truth, need a study, but we don't need a study by the very competent people on the Labor Committee, unless they have someone available full-time, skilled, and knowledgeable to do it, because it is important, it is intricate. It is essential that it be done right. The purpose of this bill, and indeed in a sense the purpose of the other bill which had some support in the Committee, too, is to create an organism that can, in fact, really study this thing, and they will be back here and nothing will go into effect until there is approval by the Governor and Council because it is complicated. But I tell you, unless we do something in this Special Session, it is so complicated we know that we will not be able to do it and do it responsibly and well in the next Legislative Session, in the 107th. I have nothing but respect for the intelligence and good will of the people on the Labor Committee, but it is a terribly sophisticated thing and we want to do it right and there is an appropriation there to retain the type of person, to become the executive director of the fund, who can help the Labor Committee to come up with the best possible product. The cost involved will not be evened out, that is an important point. How will money be saved? Because the benefits will be the same. I assure you that the gentleman from Biddeford, Mr. Farley, would not be in support of this type legislation if it were adverse to the interest of the working people of this State, nor would I. We support it because we know that we have an interest in the continued financial success of the employers of this state. We know that you get more bang for the buck under State fund. This is not speculation or only some professor talking; that is twelve states with experience of up to fifty years under state funds. So this isn't some new fangled idea invented by a gentleman from Dover-Foxcroft, Mr. Smith. Indeed, he was twenty-five years unthought of, when the first State fund

came to the United States.

We know as a fact that only about sixty cents, or a bit less on the dollar paid by the employer in premium, is paid to the injured employee in the form of benefits or goes towards his hospital bills, in the State of Maine. We know that that is the typical experience in those states which do not have State funds. On the other hand, we know that in the states that do have state funds, and again think about the fifty-year experience, that approximately ninety cents on the dollar is paid back to injured employees and goes toward hospital bills and other payments of that kind. In other words, the cost, the administrative cost, of the State fund is ten percent; and the administrative cost of the present system is forty percent. That creates the potential of a thirty percent rate reduction for every employer in this State. Now some employers are going to be paying a high rate. But thirty percent off is going to help them some. And some employers, such as my office, are going to continue, I think to pay a low rate, I think we pay something like fifty dollars per year per secretary, and I wouldn't mind even thirty percent off that. I am certain that all of you represent people and maybe yourselves in business half-way in between.

Mr. Speaker, the greatest American that ever lived, Abraham Lincoln, said something that might guide us today. And although there wasn't a state fund in President Lincoln's time, it came as close to his time as it is to the present time. And what he said was something like this: "Government should not do for people those things which the people can do better or as well for themselves." If it were possible for a private system to save us this thirty percent to keep those costs down to ten percent, rather than going up to forty, government should stay out of it. I think it is unfair to our State and the employers of our State to sacrifice on the altar of ideology a thirty percent premium.

So I would ask that you would vote against the pending motion. I would ask you to keep alive, not only a vehicle of, oh well, we will study this and maybe do something next time, but a really effective vehicle. Because remember that thirty percent saving. Remember

that aside from the, possibly the casualty insurance industry, that this an issue on which there is significant agreement between working people and management in this State. We are all, in a sense, on the same side on this.

Mr. Garsoe, the gentleman from Cumberland, told us yesterday that we now deal with fifteen to eighteen million in this State in workmen's compensation. Multiply thirty percent of that, and you will see why they fight so ferociously. That figure will go under Federal guidelines, possibly to forty or fifty million dollars in three or four years. We have a chance to save the employers of our State thirty percent of fifty million dollars in the next four or five years. I don't think we should shoot it down.

One last word on the employees side. The great part of the work I do, as a lawyer, involves representing people injured, who have workmen's compensation claims. And there are a significant number of insurance companies that act in a very responsible way on a voluntary basis in regard to these claims. There is rarely a week that goes by in my life when I don't run across an insurance carrier, and they are really bad when they come from out-of-state — in my opinion, who doesn't even bother to respond to a claim for two months — so in addition to saving the employer thirty percent, when a man in your town that you represent as a Legislator, is injured and he calls you up and says, "my God, I fell off the scaffolding, twenty feet, and broke my leg and I am out of work and I can't pay my mortgage, what am I going to do." — Yes, it will be a State fund, and you can get on the phone and call him up and say, "in God's name, what are you doing over there? If this is a valid claim, I want it paid." I don't want some out-of-state insurance company, for their convenience and their profit, to deprive the people in Maine a chance. It is a good deal; it makes sense; we argued it yesterday; we may get more argument today; please stick with it.

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

Mr. SIMPSON: Mr. Speaker, Ladies

and Gentlemen of the House: The last couple of comments tht the gentleman from Brunswick, made almost convinced me to the point that I was going to take and vote for this bill because I could see one thing.

First of all, if we really want to cut premiums I guess we could take the lawyers out of the business, all due respect to both you and the Speaker. But you know, when he stood here and said that the best way we could do that by taking all the lawyers out, is to put it into a State fund, and then we, as Legislators, all we would have to do is call up and say, "look, we want some action paying that guy." Then O.K., maybe it is a good thing. But I am not convinced of that. I am not convinced that the State has ever done anything cheaper than what private enterprise can do, and I am not convinced that they will ever do it here either.

I don't believe that I have heard yet anyway, that mere statement on this floor that anybody has said the rate would be the same from one employer to the other employer based on risks. I don't think anybody is going to deny that when you pool rates and you only have one company to supply the service, and that is the State of Maine, that the rate is going to start to reach a need, and the guy on the low end of the scale is going to start to pick up his percentage that he had been paying into the fund, those part of those risks that are enjoyed or not enjoyed by the high-risk employer.

The gentleman from Brunswick said, openly said, that this thing needs study and it needs plenty of it. I can only read this bill and I can read it just the way it starts right from the very first paragraph. I think you ought to read it because it says: "that there is: hereby created and established a fund to be known as the Workmen's Compensation Insurance Fund, herein after in this chapter called the Fund, to be administered by the Workmen's Compensation Insurance Fund Board, herein after in this chapter called the Board for the purpose of insuring employers against liability for injuries compensible under the act and for the purpose of insuring the employees and other persons for compensation benefits

provided by said act for employees and their dependents." Then I want to reemphasize the statement that the gentleman from Farmington made, "nothing in this act shall be construed to prohibit an employer from becoming or remaining a self-insurer pursuant to section 23." And I don't know how many self-insurers there are in the State but there isn't a lot of them and you won't find many small business men that are. It is the intention of the Legislature, and don't forget that, the intention of the Legislature, that with the exception of self-insurers, that said fund shall be the sole provider, the sole provider, of insurance for liabilities and injuries compensible under this act. Sure, there is a fund, there is appropriation on it. Turn it over. It is a seed fund, fifty thousand dollars to put us into the insurance business. Once we put it on the books it will never come off, and I think most of us know that. And I would ask you how many times you have seen a bill come off the books. Most of us know that the best way to get legislation through is to cut the appropriation to nothing, put it on, and next time it comes back it's part of Part I, not Part II. This is another good example; put a little seed money in here, but put the major legislation, all the working, right there, put it right in black and white, and then come back in the 107th and there she is, baby; and we are going to be in the insurance business and everybody else is out of it. That is the way I read that bill and I read it right in black and white and I think I can understand it. I didn't need a long dissertation from the gentleman from Biddeford, to put me to sleep, when I push the switch on this one.

The SPEAKER: The Chair recognizes the gentlemen of Westbrook, Mr. Deshaies.

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I can't quote from Abraham Lincoln like Mr. McTeague can. But he speaks of savings. I am not familiar with Workmens Compensation, but I have done a little research since yesterday. This is a very, very complex bill, it is a very complex question, but it boils down to one question and that is: Shall the State of Maine go into the insurance

business? It is as simple as that. It concerns itself almost exclusively with the employer, like Mr. Finemore, not the individual, not the employee, but the employer.

Mr. McTeague speaks of savings. Well, the State of Ohio has been operating under a fund system, a State fund system, similar to the one proposed in this bill, very similar. In a five year period they required two hundred and eighty-six million dollars from general fund to finance their state operated workmens compensation fund. I don't think the State of Maine is ready for this. Maybe, there is merit in this bill, but do we have to act on this immediately? The Labor Committee, the majority report of the Labor Committee, wanted to submit this to a study as Mr. McTeague suggested, and I think this is the correct approach. I hope we do go along with indefinite postponement.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I regret I have to stop this bill now and put this amendment on it.

The other day we agreed that we were going to give me a few minutes to work out some differences when this bill leaves this Body and goes to an unspeakable place. I think we are going to do that. I think we are going to answer many of the questions that are being raised here today. I do want to reemphasize three things: first of all, this is going to be a self-sustaining fund; employers are going to pay their premiums, if this fund ever gets off the ground; and in Section 205, Mr. Deshaies, Section 205, it says, in the first sentence, the funds shall become neither more nor less than self-supporting. That is in the statute. It is not going to cost the general fund money.

The second thing is; regardless of what form this bill finally takes and we are not prepared to debate the final form here, because we don't have it before us and this is all superfluous, and if you give me a few more minutes, I will get the darn thing in final form for you, like we agreed yesterday.

There are two big safeguards in this

bill. First of all, no bonds can be floated without the express consent of the Governor's Executive Council. And then even after the bonds are floated, no policies can be sold without the consent of the Commission of Manpower Affairs, the Chairman of the Industrial Accident Commission, and the Superintendent of Insurance. There are all kind of safeguards. Before any policies are ever sold. It is a long ways down the road. What we have here is a very serious problem. This bill will begin, in its final form, will begin to address the problems. I hope you will give me time to get this bill out of this body and work on it for a few minutes, and I will come back, and I think many of the difficulties that so many of you have will be cleared up. I hope we will do what we did yesterday; get it out of here and when it comes back, I think then we can have a good discussion on this bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I am not speaking on this bill because I don't know anything about workmens compensation. I do, however, say that I would hope that when the roll call is asked for, that when the people vote for the roll call, they don't use it just as a means to keep a captive audience in the House. And that maybe, in the future, that a lot of the debate could be carried on before the roll call and before you have to hold a captive audience. Because if you have something to say, it should be interesting enough for everybody to stay and listen to it whether they want to or not, without being forced to stay because of the bars being put across the aisle.

Mr. Donaghy of Lubec was granted permission to speak a third time.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I will take due consideration of my friend, Mr. Dam. But I do want to call your attention to what gentleman from Brunswick, Mr. McTeague said. He had quite a long dissertation. But between the pathos, the tears, and the quotation from our great Republican, Lincoln, I would point out to you that he brought out very clearly that this bill is putting the cart before the horse. We have a very definite bill before

us; we have not yet studied what we should have. I say to you, please use your common sense and vote against this bill; vote for the indefinite postponement of it; because when it has been studied there will be time enough to come back here and decide whether or not we want it after we find out what we are going to have.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I hope today you will not vote to indefinitely postpone this piece of legislation.

You may or may not recall that on Monday the Majority Report of the Committee on Labor endorsed report A, which was to refer this to lay on the committee table for further study. I tried to explain, at that time, that I felt there were more reasons to commit it for further study, as far as my vote was concerned, than it would be to implement it at this point.

I am a little concerned by some of the remarks that I have heard here today, particularly the gentleman from Brunswick, Mr. McTeague, in indicating that this was referring it to a study, because it is my understanding of the language, that this commits us to this fund, and was one of the reasons why I wasn't ready to sign it and thought we should give it further consideration. I feel that some of the questions and remarks being made here today would bear me out. I would like to suggest that if we refrain from indefinite postponement of this which, as I understand it, would dump the whole cartload. And then maybe we can reconsider it and see if it might be the wish of this body to commit this to the Labor Committee for further study.

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

Mr. DUDLEY: Mr. Speaker Ladies and Gentlemen of the House: I realize that I am talking to a captive audience so I will be very brief.

Let me say that I am not too familiar with Lincoln, that was a little before my time, but I understand he was a great President. Some misinterpretation of what he said I heard in here.

If you subscribe to the gentleman from Brunswick's philosophy, you can apply this to the fuel oil business, which they will tell you they can save the people some money; you could apply it to the power business in which the people had a referendum to vote on and was quite decisive in that they didn't want to go into the power business.

I am sure the people in the State of Maine don't want to go into any business, they don't want to go into the power business.

I am sure the people in the State of Maine don't want to go into any business, they don't their government in any further business or any further infringement on their private industry. I am sure that the vote that was taken on public power was a good illustration. And that if they had a chance to vote on this, it would be very similar. And if you asked them to go into the fuel business. And if you subscribe to this type of philosophy that you want the government in business, you might as well take over the paper business and all the other industries. I think it is unfair to pick on one industry, just the insurance business. You might as well take over the power, the paper and the whole works. There are people in this House who subscribe to that philosophy, and I don't and, at the present time, the people in the State of Maine don't and we have proof of that in the very recent referendum.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this debate but obviously I am going to.

The gentleman from Dover-Foxcroft, Mr. Smith, says that this bill shall be self-funding. Well, don't worry about it. What happens if the fund runs out of money? Who pays the worker then? What are the safeguards against this happening in this bill? That has not been answered.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that Bill "An Act Providing for a Workmen's

Compensation Insurance Fund," House Paper 2047, L. D. 2580, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bragdon, Bunker, Cameron, Carrier, Carter, Chick, Cressey, Curtis, T. S., Jr.; Dam, Deshaies, Donaghy, Dow, Dudley, Dunn, Evans, Ferris, Gauthier, Hamblen, Hoffses, Hunter, Immonen, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Pratt, Shaw, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Trask, Trumbull, White, Willard, Wood, M. E.; The Speaker.

NAY — Albert, Berube, Bither, Boudreau, Brawn, Briggs, Bustin, Carey, Chonko, Churchill, Clark, Conley, Connolly, Cottrell, Curran, Davis, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Faucher, Fecteau, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Jackson, Jalbert, Kilroy, LaCharite, LaPointe, Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, V.; Mulkern, Murray, Najarian, O'Brien, Peterson, Pontbriand, Rolde, Rollins, Santoro, Shute, Smith, D. M.; Smith, S.; Soulas, Strout, Susi, Talbot, Theriault, Tierney, Twitchell, Tyndale, Walker, Wheeler, Whitzell.

ABSENT — Brown, Cooney, Cote, Crommett, Dyar, Farrington, Huber, Jacques, Knight, Morin, L.; Perkins, Ricker, Ross, Sheltra, Tanguay, Webber.

Yes, 60; No, 74; Absent, 16.

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

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

The Chair laid before the House the first tabled and today assigned matter Bill "An Act Granting Energy

Emergency Power to the Governor" (H. P. 2005) (L. D. 2549) Emergency

Tabled — March 18, by Mr. Simpson of Standish

Pending — Passage to be enacted.

On motion of Mr. Simpson of Standish, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-771) was read by the Clerk.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House; Ever since these two bills appeared out on the calendar, I have felt that they duplicate their efforts and to a great degree that they were heading right on a collision course and, therefore, we have been keeping it on the table, hopefully, to work out the amendments, — that would put the two bills in an independent statute, each, and then after the amendments were worked out, we circulate around to the joint leadership and also the chairmen of the two respective committees, for their comments.

The particular bill, the bill you have before you right now, deals with putting the Bureau of Civil Defense, or, leaving the Bureau of Civil Defense, right directly as it always has been previously created, handling disasters and emergencies of that nature, taking any reference to anything to do with an energy emergency, out of the particular bill so that it could be placed into the bill that is going to be the next item on the calendar, which is an Act to Establish an Office of Energy Resources. It is my understanding that it does have the blessing of the leadership, and I would hope that you would pass it today.

Thereupon, House Amendment "A" was adopted.

The bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the

second tabled and today assigned matter:

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

Tabled—March 18, 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)

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

Mr. SIMPSON: Mr. Speaker, a point of parliamentary inquiry. I believe we reconsidered to the point where — is the position of the bill now in second reading or is it the motion to recede? I believe we reconsidered our action whereby we voted to recede and concur.

The SPEAKER: The Chair would state that we are in non-concurrence with the other body, the other body having passed the bill to be engrossed as amended by Senate Amendment "A", whereas the House passed the bill to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A".

Thereupon, on motion of Mr. Simpson of Standish, the House voted to recede.

Mr. Simpson of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-772) was read by the Clerk.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: Just very briefly I believe an explanation is in order. We took the subpoena powers that were in the other bill and now are placing them in the bill that deals with the Office of Energy Resources. Also, I would like to state that there is a substantive change in the other bill that I should have mentioned, but that is the fact that if the Governor should issue any type of proclamation instituting any rules and regulations regarding business or what

have you, that after 80 days, if that is still in effect, that he must call the legislature back into session so that the legislature would have some input into the rules and regulations and any legislation that would be necessary.

Thereupon, House Amendment "A" was adopted.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Unless I am wrong, we have to move indefinite postponement in concurrence of House Amendment "A" as the other body did.

Thereupon, on motion of Mr. Martin of Eagle Lake, the House reconsidered its action whereby Senate Amendment "A" as amended by House Amendment "A" thereto was adopted.

Mr. Martin of Eagle Lake moved the House reconsider its action whereby House Amendment "A" to Senate Amendment "A" was adopted.

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

Mr. SIMPSON: Mr. Speaker, as I read House Amendment "A" to Senate Amendment "A", it dealt with primarily the funding of the bill.

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

Mr. MARTIN: Mr. Speaker, the gentleman is right. We adopted that amendment in here, but the other body killed that amendment. So the purpose of my motion would be to also concur with the Senate in indefinitely postponing that amendment.

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

Mr. JALBERT: Mr. Speaker, a point of parliamentary inquiry. Where does it show on this record that House Amendment "A" was indefinitely postponed, and if it doesn't indicate it, why doesn't it?

The SPEAKER: The Calendar states about the middle of page 5, the House passed the Bill to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" thereto. The gentleman from Eagle

Lake, Mr. Martin, has now placed the parliamentary procedure in a position so he plans to move the indefinite postponement of House Amendment "A", which was H-728.

Thereupon, the House reconsidered its action whereby House Amendment "A" to Senate Amendment "A" was adopted.

On motion of Mr. Martin of Eagle Lake, House Amendment "A" to Senate Amendment "A" was indefinitely postponed.

The Bill was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

Mr. Stillings of Berwick presented the following Joint Order and moved its passage:

WHEREAS, legislation has been presented pursuant to the Management and Cost Survey to establish performance incentives for managers and assistant managers of state liquor stores; and

WHEREAS, the Governor has recommended that this bill and the concept for performance incentives for state services receive further study before being considered for enactment; and

WHEREAS, the Joint Standing Committee on State Government is currently involved in a study of salaries, hours and other conditions of employment under the Personnel Law as authorized by the Legislative Council; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized and directed to include in the State Government Committee current study of Personnel Laws, An Act to Establish Pay Scales for Managers and Assistant Managers in State Liquor Stores, House Paper 1859, Legislative Document 2354, as considered at the First Special Session of the One Hundred and Sixth Legislature; and be it further

ORDERED, that the Council shall cause a written report to be made of the findings and recommendations, together with any needed legislation resulting from such study, at the next regular legislative session. (H. P. 2066)

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

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

WHEREAS, the Maine Management and Cost Survey contains many findings and recommendations aimed at improving the institutions through which we govern ourselves; and

WHEREAS, the Legislature initiated this survey with a desire to improve State Government, it was never anticipated the erosion of a decade would be checked at one sitting; and

WHEREAS, implementation of the survey results not considered at this special session are expected to spread out over many years to come; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized and directed to review the several findings and recommendations of the Maine Management and Cost Survey Commission which have not already been implemented, to determine which of those are deserving of further study and possible implementation at the 107th Legislature; and be it further

ORDERED, that the Council report the results of such determination and study, including all necessary implementing legislation, at the next regular session of the 107th Legislature. (H. P. 2068)

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

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

ORDERED, that the House Rules be amended by amending House Rule 23, to read as follows:

23. It shall be the duty of the Clerk to make up daily a calendar of bills, resolves and other papers, assigned for that day's consideration, including bills and resolves being held for 24 hours, and also a calendar of bills and resolves which have had their first reading, and showing the disposition that has been made of each.

The Order was read.

Thereupon, tabled under the rules pending passage.

On motion of Mr. Simpson of Standish, the House voted to take from the table the following Unassigned matter:

Joint Order (H. P. 2025) Relative to Legislative Council Study of Utilizing the Women's Correctional Center at Skowhegan for a Veterans Home.

Tabled—March 15, by Mr. Simpson of Standish

Pending—Further consideration

(Read and passed in the House on March 8. Indefinitely postponed in the Senate)

On motion of Mr. Simpson of Standish, the House voted to recede and concur.

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

Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles" (H. P. 1789) (L. D. 2261) Report A, "Ought to pass" in New Draft (H. P. 2059) (L. D. 2591); Report B "Ought to pass" in New Draft (H. P. 2061) (L. D. 2593); Report C "Ought to pass" in New Draft (H. P. 2060) (L. D. 2592); Report D, refer to 107th Legislature. Tabled pending acceptance of any Report.

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

Mr. WOOD: Mr. Speaker, I move that we accept the "Ought to pass" majority report, which is Report C.

The SPEAKER: The gentleman from Brooks, Mr. Wood, moves that the House accept Report C.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This report out of the Transportation Committee looks like kind of a confusing report. There is A, B, C, and D. Would someone mind telling me what the difference is between A, B, C, and D?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from East Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that Report A increases the weights on two-axle vehicles from 32,000 to 34,000 and increases the weights on six-axes from 73,280 to 100,000. Report A does nothing for axles 3, 4 and 5. Also in Report A, you have a provision in here for double funds, which is one of the reasons that I didn't sign Report A. The other reason on Report A that I didn't sign is because there was no help for the 3, 4, and 5 axles.

Report B does basically the same thing as Report A, except there are no provisions for double-bottom.

Report C to me is the best report of the three, outside of Report D, which refers it to the 107th Legislature, which I feel is the escape route. I couldn't go along with that.

Report C that I came out of the Committee with and signed it, increases two-axle vehicles from 32,000 to 34,000; three-axle vehicles from 51,800 to 54,000; four axles from 66,000 to 72,000; five axles from 73,280 to 86,000; and six axles from 73,280 to 100,000, with no provisions for double bottom. I believe today if we are going to pass a report, Report C is the only report to pass. It is the only report that we have before us that is going to do anything for the small truckers.

Granted, there is going to be arguments that these increased weights are going to do damage to our highways. We hear this every day. I can't say it is going to do any more damage, because in the hearing, the boys that testified on this hearing are hauling these weight limits now. They are not asking for any increases. This is what they are doing. The only thing they want to do is do it legally.

Also in Report C, you do have the increase in the registration fees for \$15 for every thousand over the old laws. You also have provisions on the fine penalties. I hope today that we will accept Report C.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: There were only two of us that signed Report B, and

basically the reason I signed it was because of the double bottoms, which I have always objected to and didn't feel that this year I wanted to give in.

Mr. Strout has mentioned that Report C is the only one that raises all the truck weights by raising three-axle trucks by 2,200 pounds, four-axle trucks by 5,700 pounds, and five-axle trucks by 2,720 pounds. He claims that truckers are already hauling this and all they want to do is make it legal. These weights still will not satisfy the truckers. They said they won't satisfy them. They are still going to overload them. The fine is only \$210, no matter how much you are overloaded. So if they are going to overload, they are not going to overload by a little bit but a whole lot.

These weights, if we put them through, there are going to be many bridges in the State that are going to be posted. Not only that, but by the adding of this extra weight to the number of axles that are here, we are going over the tire weight that is safe. Our roads are already going to pieces, and we all complain about them. That is extra weight, even though they are doing it now and it's illegal, making it legal is not going to help them, it's going to hurt the bridges. The truckers will never, never be happy. They have proved that through the years and we have the highest truck weights in the states now. They came in here and said, "Look, we want these weights, we are going to run these loads, whether you give it to us or not." They have bought bigger trucks and now they figure that if they can get this, they will be happy. They will be happy until next year. They will be back again and they will want more. Personally, I just can't see it at this time. As I say, it's not just the weights, it's the fact that they have made the weights so high that the trucks will no longer be safe. We are creating one hazard by trying to do something else that hasn't been given that much consideration. Probably we should have all referred it to the 107th, but they said, "well, that is the escape route," so it came out with four reports, three of them are all Ought to pass, but you be your own judge. Do you want to get behind one of those trucks or in front of one of those trucks with the excess

weight, knowing it is not safe to be on the highway?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and the four reports be indefinitely postponed.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know, really, where to start on this. But I guess everybody in the House sometime or other has a pet bill and I guess this is mine. It is the only bill I have in the Special Session and I feel very strongly that the people in my section need what we are trying to do here. We have truckmen in Rumford, Belcher's, Dionn's, Sterling Mills from Bryants Pond, Ronald Emery in West Peru, people like this who truck for a living, that are paying fines. They are not asking to haul any more load as some people have said, and, in fact, I guess they couldn't haul any more load because of the wires and the bridges, you just can't get under them with any more load than they are hauling now. But I really feel that this is a bill for the people in my area. And I would like to address myself, possibly, to a statement that was put on a desk this morning, from the gentleman from Pittsfield, Mr. Susi. I would read:

"It is quite apparent that the Maine Municipal Association and Representative Susi did not bother to take the time to read L. D. 2592 before preparing the fact sheet that has been distributed by Mr. Susi. The document is filled with false and inaccurate statements and I would like to compare the sheet to the provisions of L. D. 2592.

"Paragraph 3 is absolutely untrue since the Bill increases tandem axle weights from 32,000 to 34,000 pounds. There are several bills pending in the United States Congress, some of which would increase tandem axle loads to an amount far greater than what is proposed in this Bill.

"The reference to double bottom trucks in paragraph four is absolutely

improper since there is no way that this Bill can be interpreted to allow the operation of double bottoms during winter months or any other time of year.

"Paragraph five is also a false statement. Section 1652, of paragraph two, limits the weight under which vehicles may be registered to that which is certified by the manufacturer. The present law does not contain this highway safety provision and clearly the Maine Municipal Association did not bother to analyze this provision carefully.

"Paragraph six is untrue.

"Paragraph seven is also false since Section 1652, paragraph four, retains this provision.

"Paragraph eight is also untrue since the fines have been substantially increased to \$2.00 for each 100 pounds in excess of 5,000 pounds overweight on six or more axle vehicles.

"Paragraph nine is also untrue as this provision is not repealed by L. D. 2592.

"It is quite apparent that the Maine Municipal Association and the Department of Transportation either did not want to or deliberately intended to mislead and mis-inform the Legislature in the preparation of this document."

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I am Representative Susi from Pittsfield; I hope you will accept the accuracy of that statement.

I would like to give you a little background on this sheet here. The Maine Municipal Association people are apparently very concerned about this bill, and in reflecting this concern, people from the Maine Municipal Association Office went to the Department of Transportation and they, working with the people in the Department of Transportation, compiled this information. This sheet, I understand, was given to several of you prior to general distribution; it was also given to me. And I was impressed by the information in the sheet. At the time, when I called Roger Mallar, and asked him the origin of this information, and he confirmed to me that he, working with others on his staff, had compiled the

information on this sheet. He had no objection to this fact being known, that he had opposed this bill in the hearings and it was a matter of public record; and that the Maine Municipal Association also had opposed the increase in weight for the various reasons set forth in the fact sheet which I had distributed over my name. I feel that I acted responsibly in dealing with responsible people. And you will have to make your own judgment on this. I, as an individual, and aside from the fact sheet, do have some reaction on this bill, as I do on most. My sympathies are certainly with Representative Rollins. I had pulp trucks; I know what those who operate pulp trucks are up against. It is impossible. I survived it and having attained that, everything else has been downhill ever since. It has just been a siege. If you can survive a couple of years in the pulp business, you just got it made from then on out. It is an impossible situation that these fellows live in.

I would like to offer an idea that I haven't heard anyone else suggest. It has been widely stated by these men who have these pulp trucks, that they just can't survive; they can't make their payments operating legally; they have to break the State laws every day of their lives, in order to survive. This was written up in the Sunday paper. Maybe many of you have read this account in the Sunday paper. They were telling the absolute truth. They can't survive without breaking the law every day. Yet, we do nothing about it. Now, supposing someone were advertising in the papers that they would buy new passenger car tires at \$5.00 apiece and they were openly doing a big business, with people carrying in tires, you know that the only way that these people can acquire these tires are costing them the minimum of \$10.00, and they are selling them for \$5.00, is that they are doing something illegal. Wouldn't we do something about this? I think there is something needs to be done in this area of pulp operations. I don't think this is the answer. Because I guarantee that if you give the benefit to these fellows, who need all the help in the world, that this would immediately, whatever gain you give them, will

immediately be absorbed by the companies and they will be right back in the bankruptcy situation within a matter of months. You aren't going to do a thing for them. You will be subsidizing companies, that the last time I checked their profits run into the hundreds of millions of dollars. This is no exaggeration. It is just that they have these people right under their heel, there is no other place they can go, it is the only business they know. This bill is not going to do it. I am going to support indefinite postponement and I hope that you do.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am in conflict of interest on this bill but I would like to explain a few things and when it comes time to vote, I won't vote because I would be in conflict of interest beyond a doubt.

The SPEAKER: The Chair feels that if the gentleman thinks he is in conflict of interest on the issue then he should not be attempting to sway others.

Mr. FINEMORE: Couldn't I explain some things that I don't own a ———.

The SPEAKER: The Chair is going to rule that if he feels he is in conflict of interest, he should not be debating the rest of the bill.

Mr. FINEMORE: I will withdraw that because I don't own anything anymore.

The SPEAKER: The gentleman is not in conflict of interest then. The gentleman may proceed.

Mr. FINEMORE: Well, ladies and gentlemen, I don't own anything any more. I am out of it, thank God, because it is a back-breaking job. What I can't understand what, and the gentleman from Bangor and I, when we entered here in 1969 was the very best of friends, and I hope we stayed that way in every sense, and I hope we still will. But I can't understand anyone moving for indefinite postponement of a bill before they hear some of the points on the bill. I was very disturbed about this.

The gentlewoman, Mrs. McCormick, from Union, who has said that we are fined \$210.00 is very incorrect. The fines go as high as \$500.00. And there are lots

of \$500.00 paid on trucks overloaded. Not once, but two or three times a week, that is up to the Judge. Report C, can and will, if it could get its first reading so we could have a second reading, can and will be amended down to a considerable amount. It would be amended down so it could then, maybe, on these pulp trucks, it would give them the additional weight of the load that they are hauling, which would mean quite a thing. That loader is coming out, they are loading now. I would, furthermore, also like to explain to the gentlewoman, Mrs. McCormick. I wonder if she realizes that there has never been any increased weight on these trucks since 1948. In 1948, we were using trucks, ten wheelers, that is three axle trucks, I might explain it that way, that had a hundred and fifty drive-lines, two hundred and fifty motors, two and a half inch to four inch brakedrums, and motors of two-fifty; today, we are using trucks that have eight and a quarter tires, these trucks are almost all diesel with diesel motors, in-line sixes and bigger, and they have 10 04 to 11 00 tires, they have 250 drivelines and everything you can find to go with them. These trucks are capable of hauling twice the load they were hauling but we are held down by the law to the same load. I am not going to get up and fight this bill any further than the floor. I will sit down and keep quiet but I do hope that you would vote against indefinite postponement and possibly let this go into, have its first reading and there be amended, and then again pass upon the amendment. At that time if the amendment is not acceptable and you feel it should be indefinitely postponed, I would agree to it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, at the risk of getting the gentleman from Bridgewater, to a point where he does not vote with me anymore, I do want to point out one thing, though. Mrs. McCormick was right about the fine schedule. It was lowered to \$210.00 maximum. It was my bill that did it about four years ago. It used to well be \$500.00, and those were excessive, and as a matter of fact, I

remember the debate fully on this floor. On the first initial vote it was won by one vote. And I don't think I will ever forget that debate or that vote as long as I am a member of the legislature.

I would like to tell you just a little story, to confirm the remarks of the gentleman from Bridgewater in reference to the problems of weight to the new trucks. A friend of mine, or at least an acquaintance in Ashland, has an oil delivery service, and over the years he has acquired new trucks to take care of his business. As you know, at this time of the year, during the spring thaw, an attempt is made to put a ban on the roads, when the temperature goes below twenty degrees in order to protect, at least, the pavement of the road. These acquired trucks, which have increased in weight a great deal, and so the other day he was informed, and when he was weighed by the State Police when they were up there during the ban, that it would be very difficult for him to carry the oil around. So he went to a local trucking firm and found out that he could take his truck over that road without any problem at all provided he did not exceed 80 gallons of fuel oil on the vehicle. 80 gallons of fuel oil. Anything above that 80 gallons he would then be in violation. So, he informed State Police that he would not break the law, and that it was up to them for them to figure out a way to get the oil from Ashland to Masardis. So the State Police got very concerned because they well realized that if the oil didn't get to the other end of the community a number of people would be very concerned and start screaming and he would just refer the calls to the Maine State Police and Department of Transportation. So finally they sort of worked out accommodation for the State Police that would ignore the provision of the law because there was no way that the oil would be delivered. You can well imagine in this situation today of the way we heat our homes what the problem that would be caused as a result of that.

That is one of the problems that we face in the wood industry. That is one of the problems that the people that I represent face because they are faced

with a situation of buying an unsafe truck and taking it over the highway, and hauling 60,000 pounds without any problems at all. If they buy a safe truck that weighs 40,000 or 50,000 pounds then they can't put any weight on there because if they do they are in violation of the weight laws and they get hauled into court.

I have some of my friends, in order to break even, have to go above the weight level that is allowed by law. And they just assume that they are going to get caught three times a week and that is \$600, and they just have to work on that basis.

That to me is a poor way of having to handle a situation. I am not saying that Report C is the best thing in the world. But it is a starting point. And if we want to is work it down then we can.

I have one comment to make about the fine distribution of the Maine Municipal Association. I must admit I checked also. I don't find the figures wrong at all or the facts wrong in the article to disagree greatly about it because I haven't personally looked into each one. But I did ask MMA how many people on there represented Aroostook County, when the vote was taken. And I find there one, the town manager of one town, who knows nothing about it. To me he certainly can't be speaking for the representatives of the people of all of Aroostook County. I don't think that we ought to take the action of the executive board of the MMA on this issue as the final word. I think it is that simple. So I would ask you to vote against the motion of indefinite postponement, I have pity for the railroad, but I do also have pity for the people who have to make a living in the woods.

As a matter of fact, in my case, in the terms of as far as the railroad is concerned, who are obviously opposed to the bill and have approached me and we have discussed the problem; it is a different situation in my area because they would kind of like to help, because all the wood that they haul they haul, in most cases, to the railhead for then distribution to the mill. It is not direct hauling to the mill. But they can't help us, because if they help us they are going to hurt themselves in a near haul where

it is going to be cheaper to haul it by truck to the mill than it is to haul it by the railroads. So I would ask you today, to vote against the motion of indefinite postponement.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: We are speaking about this entire bill, but actually the motion before the House is the acceptance of the Majority Report, which is Report C, and that is the report I signed. I am in agreement with many things that have been said here this afternoon, and those of the gentleman from Dixfield and also those from the gentleman from Eagle Lake, Mr. Martin.

The reason I signed that is because in our area, as mentioned by Mr. Rollins, there are many truck drivers and they are the ones who buy these safe trucks that have already been mentioned. The trucks weigh more than half of what they are allowed to carry and, of course, if they are loaded up they are overloaded, which they do. And they have been hauling over these roads. And I don't believe that hauling over those roads legally is going to hurt the roads any more than hauling illegally and paying fines. They never have to pay more than \$210; that is the legal limit.

In this report there is also a provision after the increased weight, if they are still overloaded, they still pay \$210. But they also have to pay an extra \$15 for every thousand they go over that. So that is better than what the condition is now, because by paying \$210 now they can put 50,000 pounds overweight and the fine will still be \$210. With this report C this can't be done. Because the more they carry the more they will pay. I think it is possible for this bill to be amended, I am sure it will be before it is through. It also contains a tolerance. I am not too fussy about that. I think that tolerance could be removed, and the truck drivers would be happy with 100,000 pounds.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would make an inquiry. You double as Speaker

as well as being the Chairman of the Legislative Ethics Committee. Would I be in conflict of interests on this bill.

The SPEAKER: The Chair would rule that you are not in conflict of interest merely because you are an officer of a railroad. This law applies generally throughout the State. There is no specific application to the particular railroad by which you are employed.

Mr. JALBERT: Frankly, I am delighted, Mr. Speaker, because I only wanted to make one comment.

I have been known at times to have a fairly good memory, and I am not a bit afraid that the gentleman from Bridgewater, Mr. Finemore, if I comment on his comments, will vote against me on some other bill because we are pretty close friends. I was here in 1948 and I well remember when this bill came up and we raised the limit. And if he will check the record he will find they said loud and clear if you give us this hike, we will never come back here as long as we live.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I hope we don't die and indefinitely postpone this bill, because it means a lot to me and my people. They live in the wood industry and, in fact, we have in my home town, we have three dowel mills and three long lumber mills and a panel mill that makes that pressed, glued wood for making table tops out of hardwood. Of course, they use a lot of wood, besides. It is only 26 miles to the Oxford Paper Company and 30 miles to the Brown Company so you can see they use vast quantities of wood. So, this is very important to my people.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: There is very little left to say on this that hasn't been already said.

The gentleman Mr. Martin, has just about given the true facts about what we are talking about here. It has been a long time since 1948, since the laws were set on truck weights. There has been a lot of change in the times. There has been a lot of change in how much it costs to get a

living. There has been a lot of change in the kinds of trucks that are being used on the road. The trucks today are larger and weigh more. You can't buy a truck but what weighs more than it did in 1948. And if they are hauling the same load on it we know it takes away from the income of the people that are using those trucks.

These people that are asking for this relief, and I consider it to be emergency now, not a year from now, the people that are working darn hard to get a living in the business they are in. The amount of load that they can haul to and from the pulp mills has got to be increased for them to be able to pay for these higher cost trucks, for the higher cost of gasoline, the higher costs of all of the other things that they have to buy in order to operate. These people are proud people. They are not on relief at the present time. They want to get a living. They are asking us today to give them some little relief so they can make enough money so they can pay for these high cost trucks and high costs of operations and continue to stay off relief. And I hope that we will accept this report. And if it has to be amended we will amend it and try to give them some relief right now while they need it.

The SPEAKER: The Chair recognizes the gentlelady from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you don't postpone this bill today. There is need of some of these weights being made higher. The present law doesn't take into consideration anything beyond a five-axle truck. It doesn't take in consideration the six-axle truck. And so I think this should be considered.

I did sign Report A which has double bottoms and increases the two-axle trucks and the six-axle trucks. But I am sure we can come to some agreement where we can amend some more of these weights. I would like to see this bill passed so that we could do so.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to rebut the remarks made by my good friend, Mr. Jalbert, I am sorry

he went out. He said something about

The SPEAKER: The Chair would inform the gentleman he is standing in the back of the House.

Mr. FRASER: The gentlemen who made the remarks back in 1948 said if they were granted what they asked for they would never come back. Well, these same gentlemen probably never will come back because they are out, 26 or 27 years old, and they are another generation.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: Considering the year 1948, I would almost imagine that the trucks back in those days were probably hauling three cord of wood, or perhaps maybe four. But today these trucks are hauling eight and ten cord of wood. You know the bridges, the very bridges that you and I drive over in the State, a lot of them were built in 1940 and 1950 and some of them even in 1960. So in my opinion, I doubt, really if — they are kind of rusty, you know, and they are getting weak. I am not so sure they can stand this weight.

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

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House; Who, I wonder, is going to speak for the passenger cars? Who seems to me to be paying a very excessive amount of the costs of the construction and the maintenance on the highways? I have noticed about in the corridors there has been quite an extreme amount of activity represented by the agents for this legislation. And I suppose they are very anxious to foist this thing upon us.

Now, I haven't the slightest doubt that there may be some need for certain adjustments in certain of these vehicles. But I doubt if any among you have the slightest doubt that among certain of the vehicles there is no justification for the adjustment that is being sought.

It seems to me that from the experience that I have on the highway in

dealing with these rubber tired freight trains every week for great distances, that to permit the 65 foot length that is being sought for double bottoms or an equivalent length or just because it is a wood truck of that same 65 foot length, and you can't pass the vehicle length that they have got on the highways now, you don't dare pass them going up hill, you can't pass them, usually, going down hill because they are going so fast. If there is any light snow on the road it is almost impossible to see whether or not you can pass them because all those wheels are just churning the snow up to such a great extent that it really places your life in great jeopardy, in my opinion, many times to be able to pass.

So, there are many aspects that I think deserve to be taken into consideration beside the mere fact that someone is not paying enough for the hauling of pulpwood, or spruce logs, or hardwood logs, or whatever kind of logs you are concerned about. The main amount of revenue that is received by the gentlemen who own and operate these expensive vehicles, these trucks, should be furnished by the person whose service they are doing. There is not the slightest question of doubt but what the additional weight which is being sought will take a fierce toll upon your highways, not to mention the bridges that are totally inadequate for the weights that are being requested, as I understand it.

I know that in looking at the surfaces of the roads, as an example, the surface of the road around Newport, between Bangor and Augusta, it is just a constant series of waves like this, which is caused by nothing at all except that the surface being broken down by excessive weight. Once those waves start going and the load keeps moving into that, it just keeps them going all the time until they correct it with a new surface.

It is too bad, in a way, that I found it necessary to stand on this question today. Because up in my county, we have thousands of truckers, in fact, we have a famous road there, Mr. Speaker, there was a famous song about it, "Trucker Every Mile", you have probably heard of it. I know that I don't really understand these particular truckers who carry a large amount of

our produce, who are seeking an additional amount of weight for a vehicle. Their present gross weight load right now is, as I understand it, is 84,000 pounds. Well, it's not very far from that. My gross weight is 3,000 pounds, and I think I make a very poor match for them. I would make a poor match for them under any circumstance.

The problem, it seems to me, results in the fact that, as I recall it, from 1955 along, there has been a constant series of increases of weight and exceptions allowed on these weights, mainly those, as I recall it, carrying wood products. Now there is every manner of request in this bill. The bill would have the most signers on it — I was looking at it a while ago, but my mind has been occupied with so many things since, that I don't recall, but I think there was six signers on the committee amendment C or Report C of the bill. This bill has every manner of damaging the thing, I believe, to allow which will work as a detriment to the average passenger car motorist, and certainly will be more damaging to the highway system and its bridges.

As I said when I commenced, I have not the slightest doubt that there is some adjustments that need to be made. The trucks are better, bigger, stronger. The tires are bigger, the braking system is better — in some cases. But in other cases, the weights being sought actually exceed the safe vehicle weights specified by the manufacturer in this very bill. I don't think that this should receive any hasty passage. If it does I think it will not be in the interest of the majority of the citizens of this State. You can make your own choice. If it is in the interest of the majority of your constituents, you can support it. Possibly it is, but I don't think it is in the interest of the majority of the citizens of the State of Maine. I hope that the motion to indefinitely postpone will prevail.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: If all we had to haul in these wood trucks were butterflies, then we could get along with the weight we have now. Mr. Briggs, from Caribou, has mentioned about

gross vehicle weights. And on page two, Legislative Document 2592, it says at the bottom of the page, all six-axle vehicles, based and operated under this section shall not be registered or operated for a gross vehicle weight that exceeds the gross vehicle weight as certified by the manufacturer. I hope that Mr. Briggs will read this, as it is stated very plainly.

As far as bridges are concerned, last Fall, I needed a bridge in my woods operation. And in half a day, my son and I hauled in some logs, built a bridge, and we have been hauling over it with these trucks that we are talking about with a full load. I haven't seen any indication that it would go down with us. We certainly, no truckman wants to go over a bridge and break it. He certainly would hurt himself more than he would hurt the Transportation Department. The Transportation Department, in my opinion, in the last few years have been very remiss in their duties in not coming forth with some changes. I think they like to make the policies over there rather than over here. I believe it is time to rebel a little bit in this House, during this Legislature, and make a little policy for them and let them carry it out.

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

Mr. McNALLY: Mr. Speaker, Ladies and Gentlemen of the House: I had an altogether different idea than, I guess, the rest of the members of the Committee. Because I repeatedly stated that what was good for the pulpwood truck people, was good for all the trucks. I thought the bill should have the tolerance removed from it; the extra fifteen percent removed from it; and limits stated as we have in C and go along with that. But I was told by members of the Transportation Department that you couldn't do that, because if all the trucks were able to do what the pulpwood trucks are doing that we surely wouldn't have any roads and we wouldn't have any bridges. I could say to Mr. Kelleher that I can look back at a bridge that I was on in 1923, it is the main one we have in Ellsworth, and we don't ever expect to ever get another one. And I know of several others that occurred around the twenties that is

being used, they are quite long ones and they will be quite expensive when something happens to them. Of the three things, or, say, there was four, but of the three ones, the ones that seem to suit as well as anything was this C-1, where you did not have the double bottoms in it, then I can say to my constituents, which I have had at least twenty letters on, advising me that they hoped I would have sense enough to not at this time vote for double bottoms, that would frighten all the lady drivers down in Hancock County, and so I have been able to go along with that idea. And I had hoped that maybe, if there was opposition to it, that maybe before this bill was done, I might somehow slip in an amendment to remove that fifteen percent extra weight they can have, now over these limits that you see under C. And that being the case, everybody can be used alike.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I merely wish to answer a couple of remarks made by Mr. Briggs; when he said the cost of operating these highways was borne by the people who drive cars. And to a large extent, that is true.

From the fees and licenses and all the taxes paid by the trucking industry, it pays about thirty-five percent of the cost of our entire highway system. There is only twenty per cent of traffic untouched. So I think they are doing their share.

He also mentioned the fact that he wouldn't like to see sixty-foot trucks on the highways. Report C does not call for sixty feet. It doesn't call for lengths of trucks from what we have now, at all.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: If I understand Report C correctly, and as many members of the House have indicated this afternoon, the bill does much more than increase the maximum weight for which a vehicle can be registered from 73,280 pounds to 100,000 pounds.

The gentleman from Pittsfield, Mr.

Susi, when he sent his fact sheet around, mentioned that it would be possible for a pulp hauler to carry 126,000 pounds. And it would be as I read Report C. The vehicle could be registered, the six-axle vehicle, could be registered for a 100,000 pounds; there is an additional ten percent tolerance, which would allow it to carry 110,000 pounds provided he were registered for 100,000 pounds. Under the little special exception, that the gentleman from Caribou, Mr. Briggs, mentioned a moment ago, the forest products permit, during the months of December, January and February can carry fifteen percent of the maximum gross and axle weight limits by paying a fee of \$25.00 per month. Now that adds up to 126,500 pounds.

Now, if you take another look at Section 1654 of Title 29, it says that unless intent can be proved, he gets another 2,000 pounds. So that makes a total of 128,500 pounds, that only pulp haulers would be hauling on roads that we, I think, most of us at least would agree, are not designed to carry 128,500 pounds. I think this bill is unfair in its approach. I think it is unfair to the rest of the trucking industry. And I certainly hope that you would vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I realize it is awful late and I will be very quick, sir. If we put the basis, if I may say to the gentleman from Mexico, Mr. Fraser, on the basis of the ton mile, I think the inequity that there is in the paying towards the construction maintenance of the roads would be very, very evident. In other words, if the heavy-weight vehicles paid on the basis of the tons that they carry, the same as the passenger cars paid on the basis of the ton they carry, it would be very much out of proportion. I think they do a great deal more damage.

The most important thing I have is for my friend from Dixfield, Mr. Rollins. And as I say, I know the hour is late; but he mentioned that if they were only carrying butterflies with he and his son, then they would have no problems. It

reminds me of years ago of seeing this man going up a hill, a long hill, and every once in awhile the driver would get out with a big piece of two by four and pound on the side of the van. Go along a ways and go up another hill; stop the whole rig. Part way up the hill pound on the side. So I got out and asked him, "What in the devil was he doing that for?" There must be some very important, suspicious, reason. And he said the reason is, "I have a whole truckload of canaries and I have to keep them all flying so I can make it over these steep hills."

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

Mrs. McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I surely can't top that one.

Mr. Rollins mentioned before that this sheet that was distributed by Mr. Susi, and went on to say that paragraph four, five and six, etc., were not true. And I would just like to call to your attention, Report C, which is L. D. 2592, on Page 2, Paragraph 2, states that when a load consists of forest products a loaded vehicle cannot exceed 65 feet in overall length. And I think that is what paragraph four says. I didn't bother to look up at the others to see whether they were or were not correct. Mr. Fraser also mentioned that they couldn't be 65 feet. But yet in L. D. 2592 it states 65 feet. All the trucks in the State of Maine have to be 56 and a half and I think that is enough length. In order to get the 65 feet length anyhow, your logging trucks hook onto small trailers behind them in order to get that length. So, in effect, you do have double bottoms when you come to logging trucks. I would just like to point out. It is in the L. D., it's the last two lines of paragraph 2, and you can look it up for yourself.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am not going to try to debate the bill, but I want to bring up a few things here that should be told here today. It is a little different than the gentleman from Caribou, who had never done a day's work with his hands, who

has never worked to gain where he is today. He can criticize us little fellows, he can criticize the pulp man who is trying to pay for his truck, but this is true. I don't care what he says, it is quite a lot different.

I would like to explain to him further and to him alone, that we pay 40 times to register a 72,000 truck what he pays to register his car. The average truck today pays \$2,244 to fuel tax to the State of Maine — that is the average pulp truck pays that to the State of Maine — \$2,244 tax. I wonder if he pays that for a gas tax. We buy one of these trucks and we pay fifteen to seventeen hundred dollars sales tax on one of these trucks to buy it. I wonder if he pays that on his car? We pay \$600 fee to license a 72,000 pound truck. — registration fee. I wonder if he pays that to license his car? The 15 per cent overload that the gentleman Mr. Stillings has brought up so graciously is only for three frozen months a year. It is for January, February and March, and you shouldn't be misled. Any other month of the year, this 15 per cent isn't available.

The 10 percent tolerance is only hauled on regular roads. It is not hauled on 95. You can't come on it.

Mr. Briggs has mentioned the road north of Newport, I believe. Pulpwood isn't hauled over the road north of Newport. There is no reason to haul it over. We don't haul on 95, very little of it. Mr. Martin has so well entered the fact that the railroads handle some of our pulp. The pulp coming out of Aroostook County now that ordinarily was hauled into Millinocket is hauled to Oakfield. It is piled down and later put on the railroad and hauled into Millinocket and other places. And as far as I am concerned, this bill isn't going to help me too much nor my son too much, because our pulp is hauled into Canada. It is not hauled into the State of Maine, it is hauled into Canada where we have a special license all our own where we pay another road tax, 23 cents per gallon for what gas we use. Again, all you are mentioning here is trucks, pulp trucks. There are very few actual pulp trucks.

You go up in Aroostook County and you can stand a day on the Ashland Road and if you see one or two six-axle trucks, you

are seeing a lot. The 100,000 pounds doesn't enter into Aroostook County. Most of our trucks up there are 72,000 pound trucks, at the present, 66,000. That is with everything, the 15 per cent for your three frozen months and everything is 66,000 pounds, and in the summertime and the other nine months it is approximately 61,800 or something like that.

We are not asking for something that they don't need. And I will tell you another thing that I would like to mention here that the gentleman from Caribou, Mr. Briggs, has mentioned about crowded on the roads. I don't believe that anyone ever was crowded on the road by a pulp truck. They are the most courteous people, truck drivers are, that you find on the road. Maybe you find a gypsy trucker once in a while, I noticed when Mr. Good and I were coming down Monday. There were four girls with a flat tire on the road. A truck driver had pulled his rig off the road and was changing the tire for them. You don't find a more courteous bunch. They will swing out and let you by. They will do most anything, and that is the way they study it. They tell the drivers they don't want them to do anything discourteous to the public. They want them to stay in line. We want to pay the taxes. They want to pay these sales taxes. I might also mention, most of these trucks cost you anywhere from a thousand to seventeen hundred dollars insurance to put one of these trucks on the road. I think they are paying their share.

I would like to mention again, tell you that this 2592 isn't going to stay the way it is. There are going to be some amendments on it. I can't talk on an amendment, but I will say one thing on the 72,000. It will be cut back to 69,000 if the bill is passed. That is only 3,000 pounds more than it is now. I hope you go against the indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I seem to be picking on my good friend from Bridgewater, Mr. Finemore, but I enjoy a repartee with him. I know he likes

facts as I do. I know that he goes to the lovely Town of Bridgewater quite often. Within 10 or 12 miles from Bridgewater there is a little place called Blaine, Maine, which I think has more gypsy trucks parked there at one stage of the game, practically every day of the week, than there is in the whole of New England.

Let's face it just as it is. Whether I was in conflict of interest on this bill or not, I was told by the Chairman of the Legislative Ethics Committee, who doubles as the Speaker, was told that I was not. I want to give my personal opinion of this thing.

When I see one of those mammoth affairs going down the road, I get scared to death. I am not allowed to drive an automobile very often, and you just imagine in your own mind passing A, B or C, whatever you want to do and in January or February or March, using the terminology of the time of Mr. Finemore, with about 10 cord of pulpwood on that truck and another truck that is barreling down, and they are quite apt to stay together, these gentlemen, they are polite on the road and they stick together on the road, like 30, 40 or 50 feet, and you come along with a Volkswagen, you get caught in between them, and you are apt to go flying somewhere. I think the gentleman from Bridgewater, Mr. Finemore, would have to agree with me. There have been thousands and thousands of deaths.

Of course, the gentleman from Caribou, Mr. Briggs, does not pay as much as that truck does, but he doesn't make as much money with his automobile as the truck driver does either.

Mr. Mills of Eastport moved the previous question.

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

A vote of the House was taken, and obviously more than one third of the members present having expressed a desire for the previous question, the

motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now. This is debatable for no more than five minutes by any one member. Is it the pleasure of the House that the main question be put now?

A vote of the House was taken.

66 having voted in the affirmative and 10 having voted in the negative, the main question was ordered.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that L. D. 2261 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Binnette, Bither, Boudreau, Briggs, Bunker, Bustin, Carey, Clark, Conley, Connolly, Dam, Donaghy, Dow, Drigotas, Farnham, Fecteau, Genest, Goodwin, H.; Goodwin, K.; Hoffses, Hunter, Jackson, Jalbert, Kauffman, Kelleher, LaCharite, Lawry, Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McTeague, Merrill, Morin, V.; Parks, Peterson, Pratt, Simpson, L. E.; Stillings, Susi, Trask, Twitchell, Tyndale, Webber.

NAY — Ault, Berry, G. W.; Berry, P. P.; Berube, Birt, Bragdon, Brown, Cameron, Chick, Cressey, Curran, Curtis, T. S., Jr.; Davis, Dudley, Dunleavy, Dunn, Emery, D. F.; Evans, Farrington, Faucher, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Greenlaw, Hamblin, Hancock, Herrick, Hobbins, Immonen, Kelley, Keyte, Kilroy, LaPointe, LeBlanc, Lewis, E.; Lynch, Mahany, Martin, Maxwell, McHenry, McMahon, McNally, Mills, Morton, Mulkern, Murchison, Murray, Najarian, Norris, Pontbriand, Rolde,

Rollins, Shaw, Silverman, Smith, D. M.; Smith, S.; Soulas, Strout, Talbot, Theriault, Tierney, Trumbull, Walker, White, Whitzell, Willard, Wood, M. E.

ABSENT — Albert, Brawn, Carrier, Carter, Chonko, Churchill, Cooney, Cote, Cottrell, Crommett, Deshaies, Dyar, Farley, Gauthier, Huber, Jacques, Kelley, R. P.; Knight, Morin, L.; O'Brien, Palmer, Perkins, Ricker, Ross, Santoro, Sheltra, Shute, Snowe, Sproul, Tanguay, Wheeler.

Yes, 47; No, 71; Absent, 31.

The SPEAKER: Forty-seven having voted in the affirmative and seventy-one in the negative, with thirty-one being absent, the motion does not prevail.

The question now before the House is the motion of the gentleman from Brooks, Mr. Wood, that the House accept Report C. Is this the pleasure of the House?

(Cries of Yes and No)

The Chair will order a vote. All in favor of accepting Report C will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

Bill "An Act Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams and Brooks" (H. P. 2053) (L. D. 2588)

Mr. MacLeod of Bar Harbor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-773) was read by the Clerk.

Mr. MacLEOD: Mr. Speaker and Members of the House: In this bill that has to do with the dredging, filling or otherwise altering of rivers, streams and brooks, we had a section in it which we thought we had the verbiage okay and all right as far as water companies were concerned. All we are doing in this amendment is putting in coverage for any municipalities that might own water companies. We had included the word

"company or a district" and we are putting in the word "municipality" after the word "company", because we had covered any water districts or private companies which were in a municipality, that they would get notification from the Department of Fish and Game in case there were to be any changes that would affect any of their water supplies, whether it be a river, stream or a brook.

Thereupon, House Amendment "A" was adopted.

Mr. Palmer of Nobleboro offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-775) was read by the Clerk.

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

Mr. ROLDE: Mr. Speaker and Members of the House: I wonder if the gentleman from Nobleboro, Mr. Palmer, would explain his amendment.

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

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker and Members of the House: I am a little bit unprepared here, but I will be with you in just a second. Prior to this legislative document, 2588, the existing statutes went into exemptions for the public works department of the state, allowed the public works department to alter up to 200 feet along the shoreline of streams, measured from the thread of the stream which, in effect, gave them 400 feet, 200 on either side. This bill changed the wording so that it includes — you have to count both sides of the stream and the footage, thereby making this 100 feet, as this bill calls for in 2888. You are, in effect, allowing the public works department only 50 feet on either side in the construction of roads and bridges and so forth. So this amendment merely changes the figure 100 to 300, which in effect gives them 150 feet on either side of the road, which is still 50 feet less than we have at the present time.

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

Mr. ROLDE: Mr. Speaker and

Members of the House: I pose another question to the gentleman. Is this the amendment that we had before us from the Department of Transportation that the Committee unanimously rejected? Or something approximating it?

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

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I really don't know, because I have to confess the day we took up this bill I was not present at the executive session. So I couldn't tell you whether it is the one or not. This amendment is however, being put in by me for the Department of Transportation.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I will try to answer the gentleman's question. We didn't realize, I think, at the time we had cut them down so drastically, so we are trying to get them back somewhere within more reasonable distance. Feeling that the distance we had dropped them down to on the 50-foot on either side for the total of the 100 feet wasn't enough. So I would say, yes, to Mr. Rolde.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer. The gentleman has answered the question on one occasion, the gentleman may proceed.

Mr. PALMER: Mr. Speaker and Members of the House: I think the real big problem on this is that in the L. D., which was changed somewhat in our committee prior to this, as I mentioned before, the measurement was made from the thread of a stream. And in this particular document you will note it says, "alterations to both shores of the river, stream or brook shall be combined," and that is where the real problem enters.

Thereupon, House Amendment "B" was adopted.

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

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

Bill "An Act Placing Certain Limits on Campaign Donations and Expenditures by Candidates for Political Office" (H. P. 2054) (L. D. 2589).

Mr. Martin of Eagle Lake offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-776) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the amendment does basically one thing to this very comprehensive bill that the election laws unanimously reported out of the election laws committee. What has happened and what has happened over the years of course is that any number of candidates can, if they would so desire, postpone expenditures of funds until after the final report, and simply at that point report what amounts have been outstanding and never, of course, have to under State law report the sources of monies that they used to disclose, so that they used to pay off the debt.

This particular amendment would simply say, that until such time as the bills have been paid off or the surplus is gotten rid of somehow that the committee continue to report. So that when it is all over we know, or at least the public has an opportunity to know, how all the funds that came in were expended and also, in turn, how they went into the kitty.

Now, this was originally brought to my attention by the gentleman from Standish, Mr. Simpson, and I really hadn't given any thought to it. And we started looking at it. And the Secretary of State's Office did some work along with the people who drafted this particular legislation. Everyone said, "gee, that is true, I guess we didn't cover that problem." So, this afternoon we got together and drafted this particular amendment. If there are any questions I would be more than happy to respond to them. But I think, basically this will tighten up the law in such a way that we

will know, once all the funds are expended, where they came from and what happened to them.

Thereupon, House Amendment "A" was adopted.

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

Supplement No. 1 was taken up out of order by unanimous consent.

Senate Reports of Committees Ought to Pass

Committee on Marine Resources on Bill "An Act to Provide for a Moratorium on the Issuance of Lobster and Crab Fishing Licenses" (S. P. 942) (L. D. 2587) reporting pursuant to Joint Order (S. P. 930) "Ought to Pass"

Came from the Senate with the Bill passed to be engrossed.

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

Divided Report

Majority Report of the Committee on Election Laws on Bill "An Act Limiting the Amount of Money spent on Promoting or Opposing Referendum Questions" (S. P. 749) (L. D. 2178) reporting "Ought to pass"

Report was signed by the following members:

Messrs. SHUTE of Franklin
CIANCHETTE of Somerset
— of the Senate.
Messrs. ROSS of Bath
KAUFFMAN of Kittery
TALBOT of Portland
HANCOCK of Casco
BINNETTE of Old Town
Mrs. SNOWE of Auburn
KELLEY of Machias
BOUDREAU of Portland
— of the House.

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

Report was signed by the following members:

Mr. JOLY of Kennebec
— of the Senate.
Messrs. WILLARD of Bethel
DUDLEY of Enfield
— of the House

In the House: Reports were read.

The SPEAKER: The Chair recognizes

the gentleman from Casco, Mr. Hancock.

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

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

The gentleman may proceed.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: Due to a misunderstanding between the clerk and some of the legal people that have been working on this type of legislation, where this bill was supposed to come out in a new draft, it did not, it came out in the original. And in the other body an amendment was going to be offered which, in effect, would have been the new draft. As you can see from the Supplement number II the other body never got to that point, and the bill was indefinitely postponed.

What I propose to do, if you ladies and gentlemen will go with me on this, is to, hopefully, accept the Majority "Ought To Pass" report this afternoon, and tomorrow during the second reader, a House Amendment will be introduced which would help to put some balance in this matter of waiting an action on a referendum. I hope that you will go with me on this this afternoon.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't go along with the gentleman from Casco. If this bill is not unconstitutional it certainly should be, according to my thinking.

It takes away the right of an organization, say, as large as Central Maine Power, to spend more than \$3,000 in a referendum no matter what the charge against them might be. It might not be the Central Maine Power next time. It might be the Oxford Paper Company or any corporation in the State. I think it is purely unjust that they can't defend themselves before the people of the price of what it costs to hire TV time in this day and age. \$3,000 wouldn't amount to but very little.

The 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 Casco, Mr. Hancock, that evidently there seems to be some mixup relative to the report as how it came out in the original bill did come out. I believe that the other body has taken a good look at this, sent it down to us indefinitely postponed. I believe that we should do likewise.

Mr. Speaker, I would so move that this bill be indefinitely postponed. I do so for this one reason. That during the regular session the referendum question came up and it was a very volatile situation. And we charged the Judiciary Committee with a very, very delicate, lengthy study relative to the entire referendum question in the State of Maine, including the type of petitions, how they should be handled and everything else. I believe that this is, basically, the feelings of many of us opposed to this bill and that we should wait and not try to piecemeal it in this regular session but that we should have the results of that particular study and handle it in one entire piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Election Laws Committee I did not sign this bill. Had it been presented to me I would have signed the "Ought not to pass" report.

I believe that this is very, very discriminatory, and I do not believe that we should pass this piece of legislation at this time. I would hope that you would reject the majority report and that we would concur with the other body.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I well understand the need for us to want to go home, and I think it is obvious to everyone now that we, obviously, are not going to do it by Friday or Saturday night, unfortunate though that may be.

This afternoon I got some interesting

information. That is why I didn't really get up any sooner because I thought that the bill would probably go to second reader, and we could debate it tomorrow. The information is this; and when I am through I would ask that someone table this until tomorrow.

As you well remember the Public Utilities Commission, after the referendum vote and issue last time, undertook a study of the problem and undertook to view what they thought had to be done. This afternoon I found out that that study is completed. And it is my understanding that it will be out in the morning. I have been assured by the Commission that I will have a copy of it and it will contain a great deal of information that might be helpful in arriving at a decision on this particular bill.

Certainly, if the Public Utilities Commission raises certain questions as a result of that referendum when we take a look at that report tomorrow, I think it would be proper for us to use this bill as a vehicle to solve that problem. So I would ask the Majority Floor Leader if he would table his motion for one day of indefinite postponement.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disappoint the gentleman but I am not going to, I guess.

My feeling on this thing is that we are talking about referendum questions. I don't know is right now there is any great pressing need. I agree, that if the Public Utilities Commission is coming out with a report that it would have a tremendous significance, but not just to us and not to this bill, I think it ought to come out where we can all review it, we should indefinitely postpone this bill and it should be turned right over to the Judiciary Committee as part of their complete study on the entire situation and not just on this one issue which involves amounts of money. To me this is not a guts issue right now. It is something that we can live with. I don't know as we have any power authority referendums coming out. I am sure maybe some people might start it again,

but I don't know as any are coming and I think you can definitely wait until the 107th.

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

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

Thereupon, Mr. Birt of East Millinocket requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that this matter lie on the table one legislative day. All in favor of that motion will vote, yes; those opposed will vote, no.

A vote of the House was taken.

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

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

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 on the motion of the gentleman from Eagle Lake, Mr. Martin, that this matter be tabled for one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Clark, Conley, Connolly, Dam, Drigotas, Dunleavy, Faucher, Fecteau, Fraser, Genest, Goodwin, H.; Greenlaw, Hancock, Hobbins, Kauffman, Kelleher, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Martin, Maxwell, McHenry, McMahon, McTeague, Mills, Mulkern, Najarian, Peterson, Pontbriand, Rolde, Smith, D. M.; Talbot, Theriault, Twitchell, Webber, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Briggs, Brown, Cameron, Carey, Chick, Churchill, Cressey, Curtis, T. S., Jr.; Donaghy, Dudley, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Finemore,

Flynn, Gahagan, Garsoe, Good, Hamblen, Hoffses, Hunter, Jackson, Kelley, Lawry, Lewis, E.; Lewis, J.; MacLeod, Maddox, McCormick, McKernan, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Soulas, Stillings, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Albert, Brawn, Bunker, Carrier, Carter, Chonko, Cooney, Cote, Cottrell, Crommett, Curran, Davis, Deshaies, Dow, Dyar, Farley, Ferris, Gauthier, Goodwin, K.; Herrick, Huber, Immonen, Jacques, Jalbert, Kelley, R. P.; Keyte, Knight, Littlefield, Mahany, Morin, L.; Morin, V.; Murray, O'Brien, Perkins, Ricker, Ross, Santoro, Sheltra, Smith, S.; Snowe, Sproul, Strout, Susi, Tanguay, Tierney, Wheeler.

Yes, 43; No, 61; Absent, 46.

The SPEAKER: Forty-three having voted in the affirmative and sixty-one in the negative, with forty-six being absent, the motion does not prevail.

The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: It might almost appear from the debate or discussion that has gone on at this point, and the way the vote has been going, that this is a partisan issue. I don't believe that it is and I surely hope that it is not. If you will notice the report of the committee, you will find that there are members of both parties in both reports. I would also call to your attention that this was a 10 to 3, I believe, actually 9 to 4, with Mr. Hoffses from Camden involved there.

This bill has made a very serious attempt to allow a very fair freedom of speech for all parties involved. The heart of the bill is in the middle part of it where it says that no person, corporation, business, private utility, association, municipality, political subdivision, or governmental agency may make expenditures in excess of \$3,000 to initiate, promote or defeat, etc.

The gentleman from Bethel, Mr. Willard, suggested that \$3,000 is a very small sum to a giant such as Central Maine Power Company, and I would agree that this is true. It is also true that

the corporation can make a \$3,000 expenditure and any trustee, stockholders of the corporation and as individuals, can also make a \$3,000 contribution. So the total contribution could easily be \$30,000 or \$40,000 involved here.

We have tried to treat corporations and companies equally with the unions. We have tried to keep all individuals on an even basis. The one thing we are trying to do is to put some balance into this total program, so that no one side may have a preponderance of power over the other, due merely to the fact that they are able to outspend the other.

We think this is a fair bill; we think it does bring about this ability to balance. I would be delighted if the motion to indefinitely postpone does not prevail so that the bill might be accepted, that the bill be accepted and at the time of the second reading tomorrow, it can then be fully debated. We will have more material in front of us to consider that can be worked into this program. Quite possibly someone might have some amendments to be offered. None of this can be done if we accept the motion to indefinitely postpone. I hope that that motion does not prevail.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Very, very briefly, I signed this "ought not to pass" and I hope you will accept the "ought not to pass" report. I thought I had some very good reasons, the hour is late, and I won't get in a long conversation about it, but I hope you will vote to indefinitely postpone this bill and it will go for further study to the Judiciary Committee as someone qualified. This certainly is a no-good bill as it was written.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, 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.

Mr. Hancock of Casco 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 Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I had not planned to speak on this legislation. I didn't realize the importance of it. It is too bad that it comes this late in the day, because as we look around we find many of our seatmates are not here. I usually would say that those who don't have staying power probably shouldn't be represented. But I think this is a very important issue. During the referendum campaign, public power vs. private power, the major complaint of my constituents was the fact that one side got a lot more money to spend on the issue than the other side. I don't care how you stand on the issue, one side had a disproportionate amount of money, and I think that was inherently unfair. I don't think we had an objective presentation of the issue.

I think that if this House votes today to indefinitely postpone this bill, we are treating the constituent unfairly. This should have a fair and thorough hearing before the full legislature, because the practices of certain parties during the public power vs. private power issue were brought into question. I think we should all be here in our seats early in the morning and wait. I don't think that the tabling motion was asking too much. I think if you look around, as a matter of courtesy for those people who are not here today, that they should have a chance to be on the record, because this is a most important issue. I wish you would keep this bill alive.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Boy, have I been waiting for that little old statement

for a long time. I guess I got elected to come up here to do a job, and I stay here at night. I would like to be home with my family, I guess, and even if I do go home, I don't mind if I go home at ten or eleven at night or what have you and I am willing to get up at five the next morning to be in here again at eight o'clock.

I think it is unfortunate that the people aren't here. Maybe the people back home want to know why they are not here. Maybe they ought to know that is one of the reasons, too, why this session is as long as it is. It is not only the people who are afraid to get in here at nine o'clock in the morning or ten o'clock in the morning, it doesn't make a bit of difference what time we come in, this place never has a full house when we get here in the morning. The next thing you know, somebody is reconsidering something later in the day when they find out they were late getting here. The same has held true on the committees, the people have failed to get into the committees. They have failed to be there when an action has been taken, delays have come to the point where we could actually go out of here Friday if we wanted to, or Saturday at the latest. It is my understanding that the other party wants to take and not — they took a vote not to go out of here Saturday but come back here another week. I don't care if it's ten minutes to seven, ten minutes to eight or ten minutes to nine, this is an issue that is important and they ought to be here. If we are going to discuss it, we will discuss it right now.

Take a look at those amendments they want to put on tomorrow. It says "no person, no corporation, business, private utility, or association." Okay, how about somebody who wants to take and press against an oil refinery in their town — \$3,000, how much is it going to take? How far is \$3,000 going to go to initiate — the words are in there "to initiate as well as to defeat."

I believe that the committee tried to do a job with this bill. I believe there is a report coming out of Public Utilities Commission tomorrow. We have got a major study going right now with the Judiciary Committee that covers the whole subject of the Constitution of the State of Maine, and how referendums

should be handled, and I think money is just a minor part of it. I think we should indefinitely postpone this issue and then we should give it to the committee and we ought to get on with our other business.

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

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

Mr. Birt of East Millinocket requested a vote on the motion.

Mr. Binnette of Old Town 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 on the motion of the gentleman from Eagle Lake, Mr. Martin, that this matter be tabled for one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Clark, Conley, Connolly, Dam, Drigotas, Dunleavy, Faucher, Fecteau, Fraser, Genest, Goodwin, H.; Greenlaw, Hancock, Hobbs, Kauffman, Kelleher, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Martin, Maxwell, McHenry, McTeague, Mills, Mulkern, Najarian, Peterson, Pontbriand, Rolde, Smith, D. M.; Talbot, Theriault, Twitchell, Webber, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Briggs, Brown, Cameron, Carey, Chick, Churchill, Cressey, Curtis, T. S., Jr.; Donaghy, Dudley, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Finemore, Flynn, Gahagan, Garsoe, Hamblen, Herrick, Hoffses, Hunter, Immonen, Jackson, Kelley, Lawry, Lewis, E.; Lewis, J.; MacLeod, Maddox, McCormick, McKernan, McMahon, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Pratt, Rollins,

Shaw, Shute, Silverman, Simpson, L. E.; Soulas, Stillings, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Albert, Brawn, Bunker, Carrier, Carter, Chonko, Cooney, Cote, Cottrell, Crommett, Curran, Davis, Deshaies, Dow, Dyar, Farley, Ferris, Gauthier, Good, Goodwin, K.; Huber, Jacques, Jalbert, Kelley, R. P.; Keyte, Knight, Littlefield, Mahany, Morin, L.; Morin, V.; Murray, O'Brien, Perkins, Ricker, Ross, Santoro, Sheltra, Smith, S.; Snowe, Sproul, Strout, Susi, Tanguay, Tierney, Wheeler.

Yes, 42; No, 63; Absent, 45.

The SPEAKER: Forty-two having voted in the affirmative and sixty-three in the negative, with forty-five being absent, the motion does not prevail.

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I guess I have to be a little bit upset to some degree. I, like the gentleman from Standish, Mr. Simpson, have been around morning, noon and night. I have been here in the afternoon, I have been here all the time, as he has, and a number of people I think have worked very hard. I know nights he is here sometimes and I am here many nights.

The SPEAKER: For what purpose does the gentleman arise? The gentleman from Skowhegan, Mr. Dam, may make his point of information.

Mr. DAM: How come my side over here is locked so I can't go out and the other side is open?

The SPEAKER: A roll call has been ordered. Will the Clerk and the Sergeant-at-Arms kindly secure the House? The Chair thanks the gentleman. The gentleman from Bangor, Mr. Kelleher, may make his point of order?

Mr. KELLEHER: Mr. Speaker, I don't think we took a vote on whether we want a roll call on this one motion. We had an intervening motion before, Mr. Speaker.

The SPEAKER: It is the Chair's recollection that the gentleman from Eagle Lake, Mr. Martin, moved for the

roll call immediately after another vote was stated and the roll call was ordered. The Chair would rule that there has been a vote for a roll call and the Chair has asked the Sergeant-at-Arms to secure the hall of the House.

Mr. MARTIN: Mr. Speaker, I asked for a roll call on a tabling motion.

The SPEAKER: The Chair recollects that it was the gentleman from Casco, Mr. Hancock, that requested the roll call, following which time the roll call was voted upon. The gentleman from Eagle Lake, Mr. Martin, may proceed on the merits of the indefinite postponement motion.

Mr. MARTIN: Thank you, Mr. Speaker. I think in some remark that the gentleman from Standish, Mr. Simpson, indicated that many people were going home early and not doing their job, I think obviously, for those people who ought to have that type of thing, they ought to have the hat and wear it. I suppose it is very much like going to church when the minister or the priest gives you heck for doing something, and normally the person that is being or ought to be getting the material is not there to receive it. So I suspect that this is exactly what is going on here this evening.

It does bother me to some degree that it is seven o'clock and we are debating what I consider to be a most important bill. I could have objected to the introduction of the supplemental calendar, which I did not, because I thought that, certainly, the bill would go through the second reading and we would have an opportunity to discuss the issue.

The bill came out of Committee in wrong form, which happened to be the fault of the Clerk of the Committee. We do not have that bill in front of us. None of you in here have seen the redraft, except for the members of the Election Law Committee and the gentleman from Standish, Mr. Simpson, because I gave him a copy, and then I asked him yesterday to have it back because I had to give it to someone else to read.

The redraft has not been in front of us at all. The only bill we have in front of us is the original bill. The original bill that was introduced in this legislature by

Senator Kelley of Aroostook; that is all. Now, it seems to me that it is only fair play that the 151 members, or 150 members, ought to be entitled to see the bill. I don't even have a copy of it myself because I gave it to someone else. I don't have that redraft that came out of that committee, even though I was privy to it prior to its being printed. But because of a problem that developed as a result of the Election Law Committee Clerk, is it my fault or is it your fault?"

Now, it is true, I think and I suspect, that maybe that the amendment is flying around in Senate Amendment "A", but I haven't seen it. It could very well be, I haven't seen it, I don't know. That is the first thing.

The second thing is; that tomorrow we have a report coming out which may shed some light on the whole situation. I really see nothing wrong in suggesting that we take that avenue as a way to finding out whether or not we need legislation right now. It seems to me that would be as good way to take a look at it, and that is why I suggested that we table it for a day, for no other reason. It had nothing to do with politics or anything else. I did so based on those two reasons. And I think they are pretty good reasons. Maybe I am all wet.

Now, I certainly think that deserves some consideration.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: last night I had a discussion with the gentleman from Bath, Mr. Ross. We were discussing the costs of operating this room here that we are in, the legislature, and \$15,000 or \$16,000 a day. Bear with me because this has got something to do with the bill that is before us. And we were discussing the fact that because the hour is late and the session is winding down that perhaps we should pass right along and handle the legislation and get out. He says, "You know Ed, that is an observation the people take and they are wrong, they are dead wrong. Because we are talking about a day that costs \$16,000 to operate this legislature and we could very quickly pass legislation that would cost

the taxpayers millions and millions of dollars."

Now, the motion that the gentleman from Eagle Lake made, on tabling this for one day, and I think it is very, very seldom that I have ever voted against a tabling motion under due respect to any member offering it, if they have got some more evidence or whatever you want to call it to help me make up what my judgment is going to be on the actions of a bill.

There is a report that is coming out. I wasn't aware of the report. But it sounds pretty reasonable to me that this body in its wisdom should have tabled this for one day, because we are going to be here tomorrow and we are going to be here Friday, and the gentleman from Standish, Mr. Simpson, knows we are going to be here for some time next week. But for us to act, or for the House to act, to take the action that it took just a few minutes ago, I think, is very unwise. I am just as tired as anyone of you in here, and heaven knows how tired the clerks are, not only in this room but in the room out back.

Mr. Speaker, is there a motion for two days for tabling an order?

The SPEAKER: The Chair would inform the gentleman he can not make his motion.

Mr. KELLEHER: Well, I would certainly respect or would ask someone to table this for one day. Because we can surely wait and act upon it tomorrow.

The SPEAKER: The Chair would inform the gentleman.....

Mr. KELLEHER: I am not going to make the motion, I request that someone else does, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker and Members of the House: What I was going to say before, maybe I can say now.

All during this special session it has been common courtesy, when the Chairman of the House Committee is not present, to table the bill until he is present. I am sorry that courtesy was not extended to Mr. Ross today. And if it is in order I move that this be tabled for two legislative days.

The SPEAKER: The Chair recognizes

the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I saw something go on here a few minutes ago that I think should be made a matter of record. I was one of those who was able to get out, sitting here in the corner, before the roll call was requested, and I know that the roll call was ordered because I was standing out there previously.

Mr. Peterson from Windham mentioned we should have some concern for those people who are not here. Maybe Mr. Peterson from Windham would be enlightened to know that Mr. Smith from Dover-Foxcroft came running in behind where I was and asked me to make a big rush to get as many people out of here as possible. If I had more time to think about it rather than jump in here I would have punched him in the mouth. Because I have been elected to sit in this chair and not to run away from anything. If that is the way he wants to represent his people he can.

You are asked today to vote on something and vote on it today. Make up your mind on it today, and to kill this thing today. It has not passed in the other body. There is no question at all that this thing is going any place.

The SPEAKER: The Chair would inform the gentleman that he may not use the sentiments in the other body to sway argument in this body.

Mr. CAREY: Thank you Mr. Speaker, I am somewhat upset at some particular people in this place.

L. D. 2178 is the only thing that we have before us, and if the gentleman from Eagle Lake, Mr. Martin, does not have a copy of it I will be more than glad to lend him mine.

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

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

The SPEAKER: The Chair would inform the gentleman that the debate has not passed, in the Chair's opinion, to warrant that motion which was defeated a few moments ago.

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

Mr. MARTIN: I move this item lay on the table until later in today's session.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves this matter lay on the table until later in today's session.

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

Mr. SIMPSON: Mr. Speaker, I would ask for a division.

The SPEAKER: A division will be ordered.

The Chair would inform the gentleman from Bridgewater, Mr. Finemore, that the tabling motion is not debatable.

Mr. Finemore of Bridgewater requested a roll call vote.

The SPEAKER: For what purpose does the gentleman from Eagle Lake Mr. Martin arise?

Mr. MARTIN: Withdraw my tabling motion.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, withdraws his tabling motion.

The Sergeant-at-arms will kindly secure the hall.

The gentleman from Eagle Lake may proceed.

Mr. MARTIN: Mr. Speaker, I now move we adjourn until nine o'clock tomorrow morning.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House stands adjourned until nine o'clock tomorrow morning.

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

Mr. SIMPSON: Mr. Speaker, I would ask for a division and ask for a roll call.

The SPEAKER: The gentleman from Standish, Mr. Simpson, requested 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 vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House stand adjourned until nine o'clock tomorrow morning. All in favor of that

motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Clark, Conley, Connolly, Dam, Drigotas, Dunleavy, Faucher, Fecteau, Fraser, Genest, Goodwin, H.; Greenlaw, Hancock, Hobbins, Kauffman, Kelleher, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Martin, Maxwell, McHenry, McTeague, Mills, Mulkern, Najarian, Peterson, Pontbriand, Rolde, Smith, D. M.; Talbot, Theriault, Twitchell, Webber, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Briggs, Brown, Cameron, Carey, Chick, Churchill, Cressey, Curtis, T. S., Jr.; Donaghy, Dudley, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Finemore, Flynn, Gahagan, Garsoe, Hamblen, Herrick, Hoffses, Hunter, Immonen, Jackson, Kelley, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahon, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Soulas, Stillings, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Albert, Brawn, Bunker, Carrier, Carter, Chonko, Cooney, Cote, Cottrell, Crommett, Curran, Davis, Deshaies, Dow, Dyar, Farley, Ferris, Gauthier, Good, Goodwin, K.; Huber, Jacques, Jalbert, Kelley, R. P.; Keyte, Knight, Morin, L.; Morin, V.; Murray, O'Brien, Perkins, Ricker, Ross, Santoro, Sheltra, Smith, S.; Snowe, Sproul, Strout, Susi, Tanguay, Tierney, Wheeler.

Yes, 42; No, 64; Absent, 44.

The SPEAKER: Forty-two having voted in the affirmative and sixty-four in the negative, with forty-four being absent, the motion does not prevail.

The Sergeant-at-Arms will keep the hall secured. The pending motion is the motion of the gentleman from Standish, Mr. Simpson, to indefinitely postpone this L. D. and all accompanying papers. A roll call has been ordered.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: Since everybody

has chosen to stay tonight, I guess that I shall give you what I consider to be the history of the Public Power Campaign. And I hope that you all have enough time to sit here and listen, because I have never had the captive audience that I have tonight.

The SPEAKER: The gentleman from Freedom may make his point of order.

Mr. EVANS: The gentleman from Gardiner is not speaking on the subject.

Mr. WHITZELL: I will address myself to the subject.

The SPEAKER: The Chair would ask the gentleman to confine his remarks to the subject.

Mr. WHITZELL: I certainly will. First let me preface the remarks by saying that the bill that is before us is a much needed campaign reform. Now that should open the debate to just about anything.

The campaign reform that we needed wasn't on the books at the time of the public power campaign. And since the public power campaign evidently has something to do with the vote that we are taking today and the need for campaign reforms. This bill was put in precisely for that purpose.

Now, I know that I scrutinized every one of the campaign reports that were turned in to the committee for cheaper electrical rates, because we copied them from the Secretary of State. And after going over every one of them I couldn't find any money being spent by the private utilities for advertising expense. Now, I couldn't understand that myself, since every morning when I rode to work there were four or five commercials that hit me on any radio station that I dialed. And you were subject to the same thing on the TV tube.

Now, I don't know how much Mr. Dunham earns a year, but I heard somewhere around forty or fifty thousand dollars, and I wouldn't guess that was too extravagant, because after all the man is very important. But when the man charges off for his campaign expenses, for his part in the campaign, \$200 of salary in one month, I can't believe that he only gave to the company, that is, that he charged off that small an amount to the campaign. After all, Mr. Dunham was one of the outstanding spokesmen. Many other

Central Maine employees were traveling all over this State, not to mention one of the people from the other body, who was traveling as a speaker. Now, I don't know whether they call that public relations or not, but when you are going out and you are working to defeat a referendum measure, that is not just public education.

Now, there were, and there is right now, an investigation of all the Massachusetts power companies for their part in the Maine Public Power Campaign. It has been called for by a Democratic Congressman, Mike Harrington, from Massachusetts, and the reason that he called for it was because inadvertently, and we don't know why, but just prior to the election, within three or four days we started receiving many many phone calls. Maybe not hundreds, but many phone calls that were saying, my God, my light bill was five, six, seven dollars lower than it ever has been.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham, and asks for purpose he rises.

Mr. FARNHAM: A point of order. Could rule 19 be suspended for a little while?

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves the suspension of House Rule 19. Is this the pleasure of the House?

(Cries of No)

The Chair will order a vote. All in favor of House Rule 19 being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: For what purpose does the gentleman arise?

Mr. McMAHON: Mr. Speaker, a point of inquiry. In view of the vote on rule 19 suspension, would it be permissible for us to go one at a time by raising our hands? (Laughter)

I mean this quite seriously. One would be returning and then the next one could be allowed to go so we all would come back.

The SPEAKER: The Chair would inform the gentleman that as the Chair interprets Rule 19, it says, "When yeas and nays are ordered, no members shall

leave his seat until the vote is declared." The Chair would answer in the negative to the gentleman's question.

For what purpose does the gentleman arise?

Mr. BITHER: Mr. Speaker, a point of personal privilege.

The SPEAKER: The gentleman may make his point of personal privilege.

Mr. BITHER: Mr. Speaker, I am really serious on this. I have to take some eye drops and I am a half hour late right now. May I be excused to do this.

The SPEAKER: The Chair will allow the gentleman to be excused for medicinal purposes. The gentleman may leave now.

The gentleman from Gardiner, Mr. Whitzell, may proceed.

Mr. WHITZELL: Thank you, Mr. Speaker. For those of you who are still here, as I said, Mike Harrington, the Congressman from Massachusetts has ordered that a federal power commission study be made to determine whether or not the involvement of the power companies in Massachusetts in the Maine Public Power campaign was in fact legal. According to our campaign laws, since there are no campaign laws on the books that refer to referendums and to tell us how much money you can spend in a referendum campaign, I would say at that point that what we are attempting to do here is enact something rather than nothing to be sure that these same types of flagrant violations don't exist again.

We talk of campaign reforms. There isn't one major candidate that is running for election this year who is not asking for campaign reform. And here we are passing judgment on this thing and want to kill a complete campaign reform package. That is what it is, a campaign reform bill.

Now, there were violations. If you recall, and maybe some of you come from areas that don't print stories that are generated out of Augusta, but I remember when one of the people on the Public Utilities Commission rendered a ruling on whether or not certain expenses were allowed or should be charged to the campaign, and he ruled in favor of Central Maine Power Company. The only thing that raised the question

there was that the ruling that he made was printed on Mr. Dunham's secretary's typewriter, and he admitted then having met with Mr. Dunham after all, since he was on the carpet. I wonder how many people instead of saying we are talking public power, I wonder how many people here would be willing to vote to allow the Maine Good Roads Association to spend--

The SPEAKER: The Chair would ask the gentleman to confine his remarks to L. D. 2178, which takes up one paragraph in the body. The Chair believes that you were wandering into other fields. Would you please confine your remarks to L. D. 2178.

Mr. WHITZELL: I will make the point that I am talking about referendum campaign reform, and precisely what I am trying to tell you is that if the Maine Good Roads Association were to undertake a massive campaign and spend a half million or three quarters of a million dollars to secure passage of a two or four or six or eight cent gas tax under the guise that it was needed, would we in fact then say that the half million or million dollars that they spent was on behalf of the citizens of Maine? We need campaign limitations. We need them in our own campaigns, and we need them on the national level. We possibly wouldn't be in this situation that we are now.

Referendum issues everybody takes the position that, you know, how can a referendum be corrupt. Well, if you study campaign reports, and you can do that by going down to the Secretary of State's Office and having any referendum campaign report copied, and you take it home and you investigate it, I am sure that there aren't too many members of this House that would believe the figure that was turned in by those who said that they were opposing public power.

We would all have to be rather naive to think that what we are doing right now is just a partisan attempt to show who has the muscle in the House. And regardless of who has the muscle, I have friends on both sides of the aisle, and some of the people on my own side of the aisle are probably not my friends. But I would ask that what we do is definitely make the reasonable attempt to table this thing,

set it aside, let's look at the report tomorrow morning. What can it hurt? Do we have to be a bunch of children today and flex our muscles? I would hope not, and I would hope that what we ask is actually reasonable, that we just table the item, look at it tomorrow morning. You still have the same number, you have a majority. The majority party has the votes, and if there is going to be any really meaningful campaign reform coming out of the legislature, let's act on this tonight and let's hopefully table, and I will make a motion that we table for one legislative day.

The SPEAKER: The Chair would inform the gentleman he may not debate his motion.

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

Mr. DAM: M. Speaker, Ladies and Gentlemen of the House: The previous speaker has spoken in regard to L.D. 2178 about campaign reform and things of that nature. Well, I have been going along with this bill up until now, and he has just reformed me, and I would hope you would all vote for the indefinite postponement of the bill and accompanying papers.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House indefinitely postpone L.D. 2178 and all accompanying papers in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Briggs, Brown, Cameron, Carey, Chick, Churchill, Cressey, Dam, Donaghy, Dudley, Dunn, Evans, Farnham, Farrington, Finemore, Flynn, Garsoe, Good, Hamblen, Herrick, Hoffses, Hunter, Immonen, Jackson, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Martin, McCormick, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Soulas, Stillings, Trask, Trumbull, Tyndale, Walker, Webber, White, Willard, Wood, M. E.; The Speaker.

NAY — Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Clark,

Conley, Connolly, Curtis, T. S., Jr.; Drigotas, Dunleavy, Emery, D. F.; Faucher, Fecteau, Fraser, Gahagan, Genest, Goodwin, H.; Greenlaw, Hancock, Hobbins, Kauffman, Kelleher, Kelley, Kilroy, LaPointe, Lynch, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Mulkern, Najarian, Peterson, Pontbriand, Rolde, Smith, D. M.; Talbot, Theriault, Twitchell, Whitzell.

ABSENT — Albert, Brawn, Bunker, Carrier, Carter, Chonko, Cooney, Cote, Cottrell, Crommett, Curran, Davis, Deshaies, Dow, Dyar, Farley, Ferris, Gauthier, Goodwin, K.; Huber, Jacques, Jalbert, Kelley, R. P.; Keyte, Knight, Mahany, Morin, L.; Morin, V.; Murray, O'Brien, Perkins, Ricker, Ross, Santoro, Sheltra, Smith, S.; Snowe, Sproul, Strout, Susi, Tanguay, Tierney, Wheeler.

Yes, 64; No, 43; Absent, 43.

The SPEAKER: Sixty-four having voted in the affirmative and forty-three having voted in the negative, with forty-three being absent, the motion does prevail.

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

Mr. SIMPSON: Mr. Speaker, having voted on the prevailing side, I would ask that you reconsider your action and ask that you vote against me. I would ask for a roll call.

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

Mr. MARTIN: Mr. Speaker and Members of the House: The gentleman beat me to it. As he noticed, I voted for indefinite postponement with that very purpose in mind.

I just acquired just now some information which is in the report. I can't get my hands on it, but I was able to get hold of the Commissioner. Let me just read it to you. It is most interesting.

According to the report that the Public Utilities Commission has and which they will give us tomorrow, Central Maine Power Company spent \$200,000 in expenses that were reported to the Secretary of State. According to the report that is being compiled and is ready and will be released tomorrow, Central Maine Power has attempted to

charge rate payers for expenses related to campaign that should rightfully have been charged to the shareholders in four basic areas: One, legal expenses; two, under billing of mailing lists to the tune of \$17,500; three, use of the company's facilities at 9 Green Street as a campaign headquarters in violation of the law; four, under reporting of TV advertising in excess of \$13,000 — \$13,000 for television advertising alone. Keep in mind that this is a unanimous Public Utilities Commission Report, and I can't be accused of being partisan on that one in any manner, shape or form. The total in those four areas amounts to \$45,000 that they presently have a finger on and, according to the report, as I understand it, but I haven't seen it, and I guess you can't see it so you can't vote on it with that in mind. It is also my understanding, what I have been told as of right now, that the figure may be as high as \$100,000 — \$100,000 paid by the rate payers of this state in central Maine in violation of the law, in violation of federal and state law. To me, this legislature in good conscience can't adjourn until we solve that problem, if that is the case.

The gentleman from Standish has a member on the Public Utilities Commission as well as I having two, so we can't be accused of being partisan. If this is true, ladies and gentlemen, can we in good conscience deal with this issue tonight? Let me ask you that, \$100,000 of rate payers money being ripped off, is that the way we are going to run the State of Maine?

This report is available tomorrow. To me, in good conscience, Maine people deserve to know that we know and that we care. It seems to me — I have not read the report because I obviously didn't get a chance. I had to send someone to go out and call one of the Commissioners to get this information so I could in turn give it to you. And what I am saying, if these facts that I have given to you are to any degree true of one utility, is this true of the other two? And if it is, who are we kidding. I certainly beg of the gentleman from Standish to move that this item be tabled until we see that report, so we will have a vehicle to deal with the issue.

The gentleman says we may not need it, we may not have another referendum question, but we may. For all I know, we may have another guy running around to get signatures on another petition, not that I particularly want to. Do we want to have that happening again? I beg of you, please table this for one legislative day or, if that is not possible, let's adjourn until nine tomorrow so that all of us in this room will have an opportunity to view that report and at least react, at least have Maine people know that we care.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Once again, I hope I don't disappoint the gentleman too much, but I thank him for giving us the report, as has probably been presented by his representative on the particular Commission. I am sure I know who he probably called. I don't deny the report. If that is the case, I think that the way he presented it is accurate. I don't think that this body stands here tonight in judgment. We are not a court. If the facts of the Public Utilities Commission are accurate, I believe then we have the remedy, we have the remedy through the Attorney General's Office and the courts and also the powers of the Public Utilities Commission to handle it and regulate and take appropriate action.

What we are dealing with here tonight is a bill, and it is a bill that I am not condoning if the report is right, I am not condoning Central Maine Power or any other utility, and I don't know as I have yet even mentioned Central Maine Power or any other utility. I think what I have tried to do is point out the fact that we are talking about any type of referendum, whether it be a referendum that a municipality has a very strong interest in and that they might like to either defeat or accept or promote. You have got other associations.

You have got people who were around here with a milk bill a short while ago. There was some talk about going to referendum with legislative reform. There has been some talk about going to referendum with a mandatory jail

sentence. We have had all types of referendums, and that is exactly what we are dealing with with this particular legislation. And I don't believe that the findings of the Public Utilities Commission is part of this particular bill. This bill in no way deals with a situation whereby we are condoning or condemning in any way that we can handle a situation that if they are supposedly guilty or not guilty of, and it is not for us to judge or prejudge. We are talking about a bill.

The motion, Mr. Speaker, I believe, is to reconsider our action and once again, I urge that you vote no on the reconsideration.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have to take issue with my friend from Standish, Mr. Simpson. We are the highest court in the State of Maine because we make the laws. So that makes us the highest court. And after listening to the remarks made by the gentleman, Mr. Martin, I am delighted that he was able to get a part of the report. I think that sets us all again to thinking. His asking somebody in this body to table this again, the reconsideration, that is not an unreasonable request. The hour is late, and we are going to be here again tomorrow, we all know that, but after listening again very reasonably to the gentleman's presentation, I would hope that someone would table this until tomorrow.

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

Mr. LaCHARITE: Mr. Speaker, I move this lie on the table one legislative day pending reconsideration.

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

The SPEAKER: For what purpose does the gentleman arise?

Mr. McMAHON: To ask a question at this point.

The SPEAKER: The Chair would inform the gentleman that a tabling motion is not debatable.

A roll call has been requested. For the

Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Brunswick, Mr. LaCharite, that this matter be tabled for one legislative day pending reconsideration. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Clark, Conley, Connolly, Dam, Drigotas, Dunleavy, Faucher, Fecteau, Fraser, Genest, Goodwin, H.; Greenlaw, Hancock, Hobbins, Kauffman, Kelleher, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Martin, Maxwell, McHenry, McTeague, Mills, Mulkern, Najarian, Peterson, Pontbriand, Rolde, Smith, D. M.; Talbot, Theriault, Twitchell, Webber, Whitzell, Wood, M. E.

NAY — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Briggs, Brown, Cameron, Carey, Chick, Churchill, Cressey, Curtis, T. S., Jr.; Donaghy, Dudley, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Herrick, Hoffses, Hunter, Immonen, Jackson, Kelley, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahon, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Soulas, Stillings, Trask, Trumbull, Tyndale, Walker, White, Willard, The Speaker.

ABSENT — Albert, Brawn, Bunker, Carrier, Carter, Chonko, Cooney, Cote, Cottrell, Crommett, Curran, Davis, Deshaies, Dow, Dyar, Farley, Ferris, Gauthier, Goodwin, K.; Huber, Jacques, Jalbert, Kelley, R. P.; Keyte, Knight, Mahany, Morin, L.; Morin, V.; Murray, O'Brien, Perkins, Ricker, Ross, Santoro, Sheltra, Smith, S.; Snowe, Sproul, Strout, Susi, Tanguay, Tierney, Wheeler.

Yes, 43; No, 64; Absent, 43.

The SPEAKER: Forty-three having voted in the affirmative and sixty-four in the negative, with forty-three being absent, the motion does not prevail.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I guess I don't understand what really is going on.

The SPEAKER: The House will be at ease and let the gentleman from Eagle Lake, Mr. Martin, proceed with his remarks.

Mr. MARTIN: I am not lost for words, Mr. Speaker, I am at a loss to figure out what the motives of the gentleman from Standish, Mr. Simpson, are as to why, why the vote has to be tonight. Why doesn't he want to see the report, or doesn't it matter? I don't understand it.

A roll call, Mr. Donaghy, has not yet been requested or voted upon on the motion to reconsider.

I think it is highly unethical, highly improper, to get involved in an issue such as this on such political approaches to solving the problem. It seems to me that — I guess a hundred thousand doesn't bother anyone in this room, at least the majority. I guess we don't mind about a hundred thousand, don't mind the rip-off as long as the money is going to Central Maine Power Company or Bangor Hydro or Maine Public Service Company. Maybe that is the problem. If it went for the late payers, maybe we would be staying here all night. Is that what the problem is?

I don't understand why it has to be killed tonight. The votes are here now. They will be here tomorrow. Is the report so scary to some of you, is the report so upsetting, signed by three members of the Public Utilities Commission, that there is a hundred thousand dollars somewhere that ought to be returned to the rate payers, that we don't mind that? We don't mind rate payers paying an extra \$13,000 for TV advertising? We don't mind that by one company? Is this what is upsetting? Or do we prefer to make judgments based on the lack of information? Is that the reason? If that is, my gosh, that is a sad state of affairs.

If I had been partisan or tried to be, I could well understand the 55 roll calls that we have had, or whatever it is at this point on tabling and my not being able to table, because it seems to me that we have got a hundred thousand dollars, at least that is what I have been told, of rate payers money that is involved in this report, and it doesn't matter? What do I have to do to convince you that this bill, this bill that we are discussing and a possible redraft may be what we need to solve the problem, to get to the issue of campaign referendum reform. Isn't there any way that I can convince anyone of that stand? Am I being so ridiculous in my request?

It seems to me that we are dealing with an issue that involves Maine people. Because someone has the strength, we are going to ram it through and we are going to dismiss it. Regardless of what happens, we are going to vote tonight. Let me ask a very simple question. Why? It seems to me that when you are talking about a hundred thousand dollars — I just sat and tried to figure out a little bit in my own mind — I didn't get all that involved in the public power campaign, but I do know that what money was collected was spent to promote public power, and there is a deficit of thirty to forty thousand, I guess. It is also my understanding that if you take all of the total resources available to Central Maine Power Company, they probably expend 1.2 per cent of their total assets in defeating public power.

This has nothing to do in a sense with this particular legislation. Now I have just been informed that the gentleman from Standish, Mr. Simpson, wants to make sure that a roll call is requested after I am through speaking so we can continue this and finish playing the gentleman's game. I must admit, we have reached the point of this situation, we have gone a long way towards nothing. Maybe a hundred thousand doesn't make any difference, but I hope that when we are through tonight, we get through this issue, this bill is buried, as you want it, tomorrow when the report comes out that you all read it, because I have a feeling that it will be most enlightening if we could ever get our hands on it. I understand it is a rather

long report and that they expended a great deal of time in holding public hearings, taking testimony, reviewing the material they had available, and then doing their own research to find out the facts behind it all.

It also is my understanding that this legislature could, if it wanted to, deal with legislation to try to get some of that money back for the rate payers. I don't know that. I don't know what the answer is to that. But if it is I think that even though we are only going to be here for another week that we ought to consider that, because I think Maine people deserve to know that we care about them in view of this issue of public power, or, any other issue that might come before them for a referendum question.

I just hope that once this report is made public tomorrow — and I expect if the press has been listening it probably will be made public if they can get hold of anyone on the Public Utilities Commission — that Maine people will sort of take a look at what we did this evening and ask, why? And maybe the gentleman from Standish, Mr. Simpson, can explain it all away.

THE SPEAKER: The gentleman from Standish, Mr. Simpson has requested a roll call. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present.

MR. MARTIN: Mr. Speaker, I did not hear the gentleman make that request.

THE SPEAKER: All those in favor of a roll call vote will vote yes; those opposed will vote no.

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

THE SPEAKER: The pending question is the motion of the gentleman from Standish, Mr. Simpson, that the House reconsider its action whereby it indefinitely postponed this bill, L. D. 2178.

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

MR. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will reconsider. Standing before you here today is just a country boy who certainly has difficulty with a lot of these bills, and certainly has difficulty with bills that

are the wrong bill or the wrong report, and certainly can take advantage of perhaps reading a report that I might be able to read tomorrow. I don't see what difference one more night is going to make. I am sure that the gentleman from Eagle Lake has told you 18 times, at least, that one more night isn't going to make any difference.

But I wish you would at least give me the consideration of allowing me to read the report that I think I have got to read to find out which is the right report, and the report of the Public Utilities Commission.

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

Mr. McKERNAN: Mr. Speaker and Ladies and Gentlemen of the House: I hate to prolong this, but it seems like we are going to be here for a while anyway.

The thing that bothers me about the remarks of the gentleman from Eagle Lake, Mr. Martin, is that I am afraid we are comparing apples to oranges when we are talking about a report from the Public Utilities Commission and this bill. He admitted, I believe, that the actions of Central Maine Power Company, if in fact what he said is true, and I have no reason to doubt him, that they were illegal. That has no bearing on this bill. The correct forum to correct that is in the courts.

What we are talking about here on this bill — and I agree with the gentleman from Eagle Lake that we do need some reform in referendum — is the philosophical question of whether or not we ought to be putting a limitation on expenditures by any groups or associations in referendums, and I happen to agree that we should. By the same token, I don't think that it is relevant to this debate whether or not anybody acted illegally in a past referendum. And I would be just as outraged as the gentleman from Eagle Lake if, in fact, the allegations are true. But I don't think it has any bearing on our discussion of this bill. I also don't think that the fact that a significant number of our colleagues decided to go home to dinner should have any bearing. And if anybody wants to take the blame if reconsideration does not prevail, it can

be those people that didn't stay around and didn't care enough about reforming our whole process to stay around and vote on this. I for one stayed here, and I intend to vote for reconsideration because I think it is important. But by the same token, I don't think that any report that is going to come out of the Public Utilities Commission tomorrow has any bearing on this bill.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I think it is rather miraculous that at this time of night that any of us have the strength left for explanation such as that. I certainly understand it. We have all suffered here. I think I have been close to sleeping sometimes. So I can understand others.

Nothing we say here tonight, obviously, is going to change the vote. That is clear. It would be unrealistic and naive to think differently. So no one can talk to you in any way with any hope of changing it. Because I guess we are all in one slot or another. So I am not going to talk to you, really. I am going to take the chance that maybe there is something wrong here. I hope to God there isn't. But if there is something that there shouldn't be in the State of Maine, and if we have an opportunity to correct it and we don't — I am reminded by the gentleman from Standish, Mr. Simpson, a week or so ago of how very voluminous our Legislative Record is becoming, and they get larger and larger every session. I guess I am adding to ours now. But I have a reason for it.

Probably, aside from a few students on occasion, the only ones that in future years will look at Legislative Records might be our children. I don't know there is anything wrong. I hope there isn't. And this night will pass away. And we all will say, "Thank God," I guess, there is nothing wrong.

The SPEAKER: Will the gentleman confine his remarks to the reconsideration.

Mr. McTEAGUE: Yes, Mr. Speaker. I intend to vote in the same fashion I have in the past on reconsideration, and I appreciate the five minutes or so given

to me now by the House, because if anyone in my family or my child happens to for any reason read the record in the future, and if there is a stinking thing here that shouldn't be, I want him to know how I voted and why I voted.

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

Mr. MORTON: Mr. Speaker and Members of the House: I have been listening to this debate now for about an hour, and maybe it is two hours. I can't remember; I guess I am a little numb. I can't understand why the gentlemen in the corner down here are so concerned about an issue that the people of Maine defeated last fall in referendum. I don't think that has got any part of this debate. We are talking about a bill here to control campaign spending in referendum, and I think it is a put down to the people of Maine to assume that they didn't know what they were voting on last fall because of money that may have been spent illegally. If it has been spent illegally, then I certainly don't condone law breaking, and it does concern me a great deal, but I say, let it be taken care of in the proper form, which is not this one here.

The people of Maine aren't foolish. They know what we are doing. They know what we are doing here tonight. This is a very obvious tactic. I am very much disappointed. The gentleman from Eagle Lake said he is concerned. Well, I am very much concerned, and I am certainly concerned that anyone implies that I have disdain for law breaking because I don't. I certainly don't care for the charade we have been putting on here for the last hour or how long it has been.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: In debating this motion for reconsideration, there has been considerable emphasis at least on the material that perhaps we will have available to us tomorrow and that this is not pertinent to the motion or to the bill that is under discussion. Well, I rather think that it is.

The gentleman from Bangor and several others have mentioned that there is due process under the law to take care of this matter. But this is taking care of the matter after the horses have been stolen. What we are trying to do is lock that door before the horse is stolen. That is the whole need for some controls on the referendum issue. So let's do it before there is this act and not afterwards.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House reconsider our action whereby it indefinitely postponed L. D. 2178 and all accompanying papers. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Boudreau, Clark, Conley, Connolly, Curtis, T. S., Jr.; Dam, Drigotas, Dunleavy, Emery, D. F.; Faucher, Fraser, Gahagan, Genest, Goodwin, H.; Greenlaw, Hancock, Hobbins, Kauffman, Kelleher, Kelley, Kilroy, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Mulkern, Murchison, Najarian, Peterson, Pontbriand, Rolde, Talbot, Theriault, Twitchell, Webber, Whitzell, Wood, M. E.

NAY — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Briggs, Brown, Cameron, Carey, Chick, Churchill, Cressey, Donaghy, Dudley, Dunn, Evans, Farnham, Farrington, Finemore, Flynn, Garsoe, Good, Hamblen, Herrick, Hoffses, Hunter, Immonen, Jackson, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, McCormick, McNally, Merrill, Morton, Norris, Palmer, Parks, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Soulas, Stillings, Trask, Trumbull, Tyndale, Walker, White, Willard, The Speaker.

ABSENT — Albert, Brawn, Bunker, Bustin, Carrier, Carter, Chonko, Cooney, Cote, Cottrell, Crommett, Curran, Davis, Deshaies, Dow, Dyar, Farley, Fecteau, Ferris, Gauthier, Goodwin, K.; Huber, Jacques, Jalbert, Kelley, R. P.; Keyte, Knight, Mahany,

Morin, L.; Morin, V.; Murray, O'Brien, Perkins, Ricker, Ross, Santoro, Sheltra, Smith, D. M.; Smith, S.; Snowe, Sproul, Strout, Susi, Tanguay, Tierney, Wheeler.

Yes, 48; No, 56; Absent, 46.

The SPEAKER: The gentleman was not in his seat when the vote was closed.

The Chair would inform the gentleman that the Chair intends to allow no one to vote after the vote has been closed.

Mr. MARTIN: Mr. Speaker, a point of parliamentary procedure. In the past, Mr. Speaker, how have you ruled on this issue?

The SPEAKER: The Chair has intended not to allow anyone to vote after the vote has been closed.

Mr. MARTIN: Mr. Speaker, are you now saying that from this day on you will rule in that fashion.

The SPEAKER: I have ruled that way for about a year and three months or have intended to. Perhaps some people have come in and I didn't realize. I happened to see the gentleman from Dover-Foxcroft and the gentleman from Augusta come into the hall after the vote was closed.

The Chair will announce the vote.

Forty-eight having voted in the affirmative and fifty-six in the negative, the motion does not prevail.

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Minimum Warranty Standard for Mobile Homes"

(H. P. 2019) (L. D. 2562) Emergency, which was passed to be engrossed in the House on March 11.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" ((S-409) in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, the House voted to recede and concur.

Messages and Documents THE SENATE OF MAINE AUGUSTA

March 20, 1974

Hon. E. Louise Lincoln

Clerk of the House

First Special Session

106th Legislature

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby Resolution, Proposing an Amendment to the Constitution of Maine to Provide that Equal Protection of the Laws shall not be Denied or Abridged on Account of Sex (H. P. 2018) (L. D. 2561) Failed of Final Passage.

Respectfully,

Signed:

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.