

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Thursday, February 20, 1975

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

Prayer by the Rev. Michael Newman of Lewiston.

The journal of yesterday was read and approved.

## Papers from the Senate

From the Senate: The following Joint Order: (S. P. 214)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of  
CYNDI MESERVE  
of Livermore Falls

The First Woman to Play in the NCAA

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and passed.

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

Bills from the Senate requiring reference were disposed of in concurrence.

## Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act Concerning Continuation of a Power of Attorney upon Death or Disability" (S. P. 57) (L. D. 137)

Report was signed by the following members:

Messrs.

MERRILL of Cumberland  
COLLINS of Knox  
CLIFFORD of Androscoggin  
- of the Senate.

Messrs.

HEWES of Cape Elizabeth  
McMAHON of Kennebunk  
SPENCER of Standish  
GAUTHIER of Sanford  
HOBBS of Saco  
HUGHES of Auburn  
BENNETT of Caribou  
- of the House.

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

Report was signed by the following members:

Mrs.

MISKAVAGE of Augusta

Messrs.

HENDERSON of Bangor  
PERKINS of So. Portland  
- of the House.

Came from the Senate with the Majority Report accepted, the bill passed to be engrossed.

In the House: Reports were read.

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

Mr. GAUTHIER: Mr. Speaker, I move we accept the Majority Report of the Judiciary Committee, "Ought to pass."

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, moves that the House accept the Majority "Ought to pass" Report in concurrence.

The Chair recognizes the gentlewoman from Augusta, Mrs. Miskavage.

Mrs. MISKAVAGE: Mr. Speaker, Ladies and Gentlemen of the House: I have certain reservations about this bill. I am not going to make any particular motion. I just would feel better if I could express my reservations about the bill. I feel that it isn't necessary. I feel the law as it now stands relative to power of attorney gives them sufficient power.

Just let me express my feelings as a layman as to how this bill developed. We will say an individual reaches the age of 80 years old. They are no longer physically or mentally capable of handling their affairs, so they give someone their power of attorney. This person deposits their money at the bank, takes their money out of the bank, pays their bills and so forth. As the individual becomes progressively worse, we will say they become senile, they are leaving their social security checks around various parts of the house and so forth, at the present time a guardian is appointed. When this guardian is appointed, all the assets in the estate are listed at the county courthouse, probate court. Any bills or any transactions that take place after this are recorded in the courthouse. Now, this gives protection. This gives protection to the person who is slipping away, and it also gives protection to the person who is handling their affairs.

I am sure you have all seen cases of families that were very devoted. All of a sudden mother passes away and the family extends from every part of the Union and are simply furious with the situation. What happened to mother's shore property at Lincolnville Beach, or what have you? If this power of attorney is extended, I just feel that there will be all sorts of opportunities for hanky-panky. There will be no accountability. Under the present law, the person who has been handling this account can simply say, "This property on the beach was not listed in the inventory." Everything I have done is recorded at the courthouse, you can go check it there."

In addition to these reservations that I have, I am sure most of you are aware that there is a committee of commissioners that has been appointed to study the uniform probate code. This committee was brought about as a result of hue and cry of people throughout the nation who found that there were times they had to hire attorneys to handle their affairs when they could easily have handled them themselves. This commission is made up of lay people, lawyers, students, professors, and they are studying every aspect of the probate area. This particular bill is part of that study. It is Part V, Section 501, and I feel it is at best premature. I would much prefer to wait and find out what this committee comes up with for findings and have the benefit of their recommendations and thoughts.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I respectfully disagree with the good gentle lady from Augusta, Mrs. Miskavage, and I would urge you to support the motion made by the gentleman from Sanford, Mr. Gauthier, that the House accept the Majority "Ought to pass" Report in concurrence.

I would like to discuss for a moment, if I may, three legal terms — power of attorney, guardianship and conservatorship. Power of attorney is a

simple document signed by a party, a person, requesting that a trusted friend or relative or very capable person handle that person's affairs. A conservatorship is a court matter in which the party himself or herself requests that the court administer the affairs of the particular person requesting the conservatorship. A guardianship results from some third person requesting the court administer the affairs of a particular person.

I suppose, confidentially, the members of the Bar Association will try to run me out of the Bar if I try to oppose some simple, inexpensive program rather than something that would involve lawyers' fees and court action. A guardianship or conservatorship does require court activity and hence, of course, lawyers' fees and accounting.

If you didn't know, power of attorney terminates or ends upon the death of a party signing the power of attorney or upon that person becoming senile or incapable of handling his or her own affairs. So once a person becomes senile, then the power of attorney terminates or ends.

This bill that we are discussing today would eliminate that. In other words, once you appoint a power of attorney, that attorney will remain in effect even though he became senile. It seems to me that that is a simple way of doing it. It avoids a court action, and the party requesting the power of attorney would pick a trusted friend or confidant, somebody who is capable of handling the affairs rather than the court appointing some third person, obviously very competent, but perhaps not understanding the personality of the person involved.

I would say in rebuttal to the good lady from Augusta that this law in no way prohibits conservatorship or guardianship. It doesn't affect conservatorship or guardianship. It only permits the power of attorney to remain in effect after the party signing the power of attorney becomes senile or dies and the death is learned of. So I urge you to support the majority "ought to pass" report.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to disagree with so many distinguished people who have signed the majority "ought to pass" report. However, I happen to feel very strongly about it.

I would not want to do away with the usual course of having a power of attorney available to anybody who needed one. There are some very good reasons why there should be occasion where a person is appointed and given power of attorney to do a specific thing. But I am reminded in respect to this particular bill that we are granting to someone, who isn't controlled by anybody other than the person who actually appoints him, to do anything and everything with an individual's affairs to the extent that when the person become "senile," as my mother would say, he may disagree with the party with whom he has given the power of attorney, and the party says, "I am sorry but your mental capacity is such that you really don't know what you are talking about. While I am going to continue to handle your affairs, you go about finding some way in this nursing home to remove me." If there is no one else around, a relative or friend, to file appropriate petition with the court, the

individual is lost. I say this because it can happen even in a family.

Back a couple years ago, a certain son of an elderly lady in a nursing home found that he was in a position where perhaps he wasn't included in his mother's will. He went to a stationery store, and any one of us, ladies and gentlemen, can go to a stationery store and pick up a simple form which says power of attorney. He went to the nursing home with this power of attorney and he told his mother that he was intending to help her with payment of her bills and therefore suggested she sign the document, which she did. He took her passbook, her savings book, went to the bank and removed all of her money. He could have absconded with it. He didn't, he remained in town. Unfortunately, mother said when he returned the next week, "Where is my passbook?" He said, "Sorry, mother, I am keeping track of it. I am going to continue to pay your bills." She, fortunately, had another son and she told the other son about it and the son proceeded to file, on her behalf, upon her signature, a petition for her appointment as conservator of her estate. That took approximately three weeks to a month, during which time the other son continued to avoid the issue and said that the funds were no longer available. Only upon the appointment of the other son as conservator of her estate was she able to bring suit against this son under his power of attorney to remove him and obtain the funds back. The court being involved, it did come out all right.

We are here, ladies and gentlemen, extending to someone who has absolutely no control factor involved whatsoever, granting to him something that we can't do under present law to conservator or to a guardian. Their power terminates upon a given event — in the case of conservatorship, upon the individual's becoming mentally incompetent. In the case of a guardianship, upon the death of the individual. I certainly don't believe we should do so.

There has been reference to the fact that it is extremely costly and some reference to the fact that this position that I take is one that most of the attorneys enjoy, because it means additional fees for them. Let me just say, under the present statutes, the filing fee in regard to the appointment of a conservator is \$13. That is very small. The amount that is available to the conservator is established by statute and controlled by the judge of probate up to 5 percent, no more, of the personal assets that come into the hands of the conservator, plus one dollar a day per attendance in court and additionally per year up to one percent of the corpus of the trust, being the principal plus income. This has to be approved by the courts.

Under power of attorney, I can say to you or you can say to me, "Sure, I will be glad to handle your affairs with this simple little document that we sign, and I will do so for 20 percent." And there is not a thing in the world, ladies and gentlemen, that can prevent you or I from taking that money. And if I take it and you become mentally incompetent and you say that wasn't what you said, I will beg to disagree with you and I bet I will be successful.

I urge you not to accept the majority report and hope you will accept the minority.

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

Mr. SPENCER: Mr. Speaker and

Members of the House: I would like to speak on behalf of this legislation. I believe it is essentially a measure which would benefit elderly persons with relatively small estates and a relatively limited amount of assets.

Under the present law, if a person becomes incompetent, they have to go through the procedures of the probate court, have to retain an attorney and they have to do periodic accounting. The purpose of this is to enable a person who specifically states that that is their intent to appoint someone to manage their affairs after they do become incompetent, if that occurs. In the power of attorney they have to specifically state that it is their intention that this power continue after they do become incompetent.

I would like to point out that in most cases a power of attorney is not exercised by an attorney. It is exercised by a member of the family or a close personal friend. An older person who feels that they can no longer manage their checkbook and manage their affairs asks their daughter, their brother, somebody that they feel they can trust, to handle their business affairs.

I think that if the person wishes to entrust their affairs to another who is close to them without having to go through the expense and the procedures of the probate court, they ought to be allowed to do so. If there is any abuse, this proposed statute makes provisions for the appointment of a guardian, so that in the event that a person does become incompetent and a relative feels that the family member or other person who has been designated to hold the power of attorney is not managing the affairs properly, then they can go to the probate court and request a guardian be appointed, at which point the full accounting procedures of the probate court would go into play.

I think it is a tragedy when an older person with a very limited income and very limited means has to spend as much as two or three hundred dollars of that income on attorney's fees, which are unnecessary, where the affairs could properly be handled by a daughter or a son.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: This is only permissive legislation. It does not do away with the present legislation, conservatorship or guardianship that you have at the present time.

L.D. 137, the durable power of attorney's bill, is humanitarian in purpose. It will save money for older people of modest means who need help with their financial affairs, as they will not have to have the expense and red tape and delay of a guardianship. In fact, if you have to go to court — an example was given by one of the attorneys, it will cost you only \$13 or \$15. Well, I think that in the majority of cases it is more around four or five hundred dollars than it is thirteen or fifteen dollars.

This law has been in use for many years, with good results in Virginia, New Jersey and several other states. It is endorsed and recommended as a portion of the uniform code at the present time. It is endorsed by former Dean Godfrey of the University of Maine Law School.

Some have asked the question, "When does the power of attorney end in the event of death?" The answer is, as soon as the holder of the power of attorney knows of

the death. The Judiciary Committee voted 10 to 3 in favor of this bill. It is a good way to help the elderly without costing any money. I hope you vote in favor of this bill.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker and Members of the House: The power of attorney relates to a meaningful, knowledgeable grant of power to an individual. If this individual becomes incompetent, he does not have the ability to withdraw the power of attorney as he should have the right to do. We have no protection to determine when he is incompetent. I think it is a bad bill and it should be defeated.

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

Mr. McMAHON: Mr. Speaker and Members of the House: To answer the gentleman's comments, it is a voluntary action on the part of the person executing the power of attorney whether or not to include the provision in it that the gentleman referred to. And presumably, as other speakers have said, there are many situations where a relative, son or daughter and so on, could handle affairs of their parents or other elderly relatives, and presumably the person executing the power of attorney would not hesitate to grant them that additional power when signing it. So I believe the choice is with the individual whether or not to include this particular requirement in the power of attorney.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker and Members of the House: If the individual is incompetent, he doesn't have a choice to revoke the power of attorney. In my practice I have seen many times where power of attorney has cost an elderly person, either by his children or friends, his entire fortune. I think we need the protection of the probate court. The expense of two or three hundred dollars as opposed to losing their entire wealth is minimal, when you consider the probate court takes the time to make sure that they are confirmed as incompetent, take the time to have accounting and to have safeguards for these old people.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: Just briefly. In reply to the good gentleman from Dexter, even though the power of attorney is in effect, it does not prohibit a petition for guardianship which, of course, would supersede the power of attorney. So a guardianship may be appointed to govern someone even though this bill does pass.

Mrs. Miskavage of Augusta requested a vote on the pending motion.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Sanford, Mr. Gauthier, that the House accept the Majority "Ought to pass" Report in concurrence on Bill "An Act Concerning Continuation of Power of Attorney upon Death or Disability," Senate Paper 57, L.D. 137. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 38 having voted in the negative, the motion did prevail.

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

**Messages and Documents**  
The following Communication:  
**THE SENATE OF MAINE**  
**AUGUSTA**

February 19, 1975

Hon. Edwin H. Pert  
Clerk of the House  
107th Legislature  
Augusta, Maine  
Dear Mr. Clerk:

The Senate voted to Adhere to its action whereby it Indefinitely Postponed, Bill, "An Act to Change the Statutory Term 'Workmen's Compensation' to 'Workers' Compensation'." (H. P. 100) (L. D. 110).

Respectfully,

Signed:

**HARRY N. STRABRANCH**  
Secretary of the Senate

The Communication was read and ordered placed on file.

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

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

**Business Legislation**

Bill "An Act to Provide for Multiple Initial Licenses and Clarification of License Category under the Insurance Code" (H. P. 594) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

**Tabled and Assigned**

Bill "An Act Relating to the Priority of Mechanics' Liens" (H. P. 593) (Presented by Mr. Ault of Wayne)

The Committee on Reference of Bills suggested the Committee on Judiciary.

(On motion of Mr. Tierney of Durham, tabled pending reference and tomorrow assigned.)

**Legal Affairs**

Bill "An Act to Amend the Charter of Erskine Academy" (H. P. 592) (Presented by Mr. Bustin of Augusta)

(Ordered Printed)

Sent up for concurrence.

**Natural Resources**

Bill "An Act Relating to the Dredging, Filling or otherwise Altering Coastal Wetlands" (H. P. 590) (Presented by Mrs. Hutchings of Lincolnville) (Cosponsor: Mr. Blodgett of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act Amending the Charter of the Paris Utility District" (Emergency) (H. P. 587) (Presented by Mr. Immonen of West Paris)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act Relating to the Scope of the Purchasing Authority of the Purchasing Agent of the State of Maine" (H. P. 588) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to Remove from the Personnel Law the Position of Director of the Bureau of Corrections" (H. P. 589) (Presented by Mr. Bustin of Augusta)

Bill "An Act to Regulate the Removal of Historic and Culturally Significant Structures from within the Boundaries of the State of Maine" (H. P. 591) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

The following papers was taken up out of order by unanimous consent:

Mr. Fenlason from the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-29) on Bill "An Act Relating to the Borrowing Capacity of School Administrative District No. 19" (Emergency) (H. P. 69) (L. D. 81)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-29) was read by the Clerk and adopted. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

**Orders**

Mr. McKernan of Bangor presented the following Joint Order and moved its passage: (H. P. 586)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Honorable William S. Cohen, named among the Jaycees top ten outstanding young men for 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Joint Order was read.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: It is my pleasure to introduce this Order congratulating Congressman William Cohen being selected as one of the ten outstanding young men by the Jaycees.

Briefly, I would just like to say that in doing a little bit of research on this, I found that Bill is the first politician to ever be selected for this award from the State of Maine; in fact, only the second person in the history of this award to be chosen from the State of Maine.

I feel that it is really a great honor for Congressman Cohen to have been chosen, especially during 1974, at a time when politics and politicians were in disrepute throughout the country. Although I may consider him to be as fine a Congressman as there is today in Washington, I am sure the Republicans and Democrats might disagree on that, but I don't think any of us could disagree that he has served this state well in a time when politicians are suspect. Especially for the people in the State of Maine and through his position on the Judiciary Committee during the Watergate proceedings, I think Bill Cohen demonstrated to the people in this country that Maine has a Congressman, who is a man of courage, of dedication, integrity and of conviction. And he demonstrated this at a time when some of those qualities have been lacking in Washington. Again, it is my pleasure to introduce this order and I urge its passage.

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

On motion of Mr. Binnette of Old Town, it was

ORDERED, that J. David Leonard of Woolwich be excused for the week of February 24th for personal reasons, and be it further

ORDERED, that Leighton Cooney of Sabattus be excused for the week of February 18th for personal reasons, and be it further

ORDERED, that Theodore Lewin of Augusta be excused for February 26, 27, and 28th for personal reasons.

Mr. Tyndale of Kennebunkport presented the following Joint Resolution and moved its adoption. (H. P. 597) (Approved for introduction by a majority of the Committee on Reference of Bills).

Joint Resolution Memorializing the Congress of the United States To Extend The United States Fisheries Management Jurisdiction 200 Miles Seaward From Its Boundaries

WE, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Seventh Legislature, now assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, Maine fishermen are currently losing the livelihood of generations through failure of the Federal Government to control excessive foreign fishing off the coast; and

WHEREAS, Federal negotiations at the "law of the sea" conference even if successful will take 6 to 10 years to ratify and implement leaving little or no protection during the interim; and

WHEREAS, this inaction has prompted the Maine Legislature to declare Maine's fisheries management jurisdiction 200 miles seaward from its boundaries or to the edge of the continental shelf; and

WHEREAS, the Congress of the United States must act now to extend United States fisheries management jurisdiction beyond 12 miles to the 200-mile limit before fishing stocks are exhausted; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to use every possible means at its command to pass legislation which will extend the fisheries management jurisdiction of the United States without interfering with Canada 200 miles seaward or to the edge of the continental shelf and thus reduce the chances of further depletion of fishing stocks by overfishing; and be it further

RESOLVED: That a duly authenticated copy of this Memorial be immediately submitted by the Secretary of State to The Honorable Gerald R. Ford, President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each Member of the Senate and House of Representatives in the Congress of the United States from this State.

The Resolution was read.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: During the past several years, the fishing industry of Maine has deteriorated to the point of disaster to the 15,000 or more people in Maine who depend on the fishing industry for their livelihood. Our fish stocks have

been decimated, the foreign trawlers have in their complete arrogance destroyed gear belonging to our fishermen and have an embargo on one of our great sources of food. The states of Massachusetts, New Hampshire, Rhode Island, and many other coastal states, both on the east and west coasts, are suffering from the same disregard of their fishing rights. Only recently a Russian trawler, approximately 75 miles off our coast, was placed under arrest by the Coast Guard, who by boarding the trawler for inspection, found that she had in her hold, lobsters evidently caught on the continental shelf. This was in violation of the legislation passed by the Congress of the United States last year protecting the lobster on the continental shelf.

It might be interesting to note that two-thirds of the fish products throughout the United States in use come from a foreign origin, and this might be from ships right off our coast.

As you know S.T.A.F., a committee composed of legislators and the commissioners of marine resources of the four New England States organized a sail on to Washington to bring pressure on the Congress to protect the fishing industry of America from the depletion of our fish stocks and to deal with the foreign trawlers operating off our coast. There are over 200 trawlers now fishing in our coastal waters in the East, South, and West Coasts. The United States Senate, in its wisdom, through the leadership of Senator Edmund Muskie, overwhelmingly passed a 200 mile limit in the last Session but the House of Congress let the bill lie in the Marine Fisheries Committee, due to its Chairman, Congressman Dingle of Michigan.

I, myself, have testified before this committee along with the many prominent fishermen to no avail. The actions of the foreign fishing fleet are growing more wanton each day, knowing full well they are protected by the administration in Washington, including a lethargic Congress.

I would like to say at this point that the Congress has now reentered a bill, 200 mile fishing limit, and the people in Washington informed me that this bill has an opportunity of passing this year. Therefore, I am putting this resolution before you urging acceptance of that bill.

I might at this time thank the members of the Marine Fisheries Committee for their help in presenting this resolution and particularly the Commissioner of the Maine Fisheries Industry in the State of Maine for his help not only during the past three years in our various trips to Washington in testifying before the Foreign Relations Committee with me and the several other moves he has made to get this limit passed. I want to personally thank him for his efforts.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I highly endorse the joint resolution before the House this morning. I would like to commend the gentleman from Kennebunkport, Mr. Tyndale, for his continuing efforts to bring pressure upon Congress to pass the 200 mile fishing limit.

I ask you to take note of the magnitude of the problem of fishing fleets, "Fishing in the Gulf of Maine," as outlined in the February issue of the Maine Commercial Fisheries which was placed upon your desks last week.

I might suggest in addition to passing this joint resolution, you might write each member of our Congressional Delegation expressing your appreciation for their efforts towards enacting the 200 mile limit and asking them to continue the pursuit.

Finally, this past Monday I attended a small business subcommittee hearing on fisheries, chaired by Senator Hathaway in Portland. Representatives Jackson and Hennessey were also there. Congressman Cohen shared what I think may be a small ray of hope on passage of the 200 mile fishing limit. He indicated that the administration and President Ford may be softening their objections to the 200 mile fishing limit by asking Congress to wait until the March meetings in Geneva on the Law of the Sea Conference before they enact the 200 mile limit. While it is a reasonable request, I foresee little or no chance that a treaty agreement will be reached in Geneva at that time. I now hope that this House will unanimously endorse the joint resolution.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

#### House Reports of Committees Leave to Withdraw

Mr. Tierney from the Committee on Labor on Bill "An Act Eliminating the Waiting Period under the Employment Security Law" (H. P. 137) (L. D. 170) reporting Leave to Withdraw.

Mr. Faucher from the Committee on Legal Affairs on Bill "An Act Requiring Auctioneers to Keep Records of Purchases and Sales" (H. P. 469) (L. D. 591) reporting Leave to Withdraw.

Mr. Faucher from the Committee on Legal Affairs on Bill "An Act Requiring Licensing of Antique and Used Furniture Dealers and Their Keeping of Records" (H. P. 470) (L. D. 592) reporting Leave to Withdraw.

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass Printed Bill

Mr. Faucher from the Committee on Legal Affairs on Bill "An Act Relating to Fines and Penalties under Fire Prevention Laws" (H. P. 326) (L. D. 398) reporting "Ought to Pass."

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

#### Ought to Pass with Committee Amendment

Mr. Tierney from the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-28) on Bill "An Act Concerning Appeals from Redetermination of Unemployment Compensation Claims" (H. P. 432) (L. D. 543)

Report was read and accepted and Bill read once. Committee Amendment "A" was read by the Clerk and adopted and tomorrow assigned for second reading of the Bill.

#### Ought to Pass in New Draft New Drafts Printed

Mrs. Boudreau from the Committee on Election Laws on Bill "An Act to Provide for Reimbursement of Election Expenses in Unorganized Towns" (H. P. 67) (L. D. 79) reported same in new draft (H. P. 596) (L. D. 694) under same title and that it "Ought to Pass"

Mr. Powell from the Committee on Education on Bill "An Act Concerning

Tuberculosis Control Requirements for School Personnel" (H. P. 282) (L. D. 334) reporting "Ought to Pass" in New Draft under new title Bill "An Act to Amend the Chest X-ray Certificate Law" (H. P. 595) (L. D. 693)

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

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought not to Pass" on Bill "An Act to Prohibit the Use of Abbreviations of the State's Name" (H. P. 3) (L. D. 8)

Report was signed by the following members:

Messrs. CIANCHETTE of Somerset  
CORSON of Somerset  
DANTON of York

—of the Senate.

Messrs. GOULD of Old Town  
HUNTER of Benton  
JOYCE of Portland  
BURNS of North Anson  
FAUCHER of Solon  
COTE of Lewiston  
DUDLEY of Enfield

—of the House.

Minority Report of same Committee reporting "Ought to Pass" on same Bill.

Messrs. SHUTE of Stockton Springs  
CAREY of Waterville  
PERKINS of Blue Hill

—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Solon, Mr. Faucher, moves the House accept the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 8 is somewhat controversial; however, the Legal Affairs Committee feels that the legislature has more important things to do than to tell the state agencies what letters of the alphabet they can and cannot use. There was a petition circulated by certain groups to place this question before the people by initiative. However, this effort fell many thousands of votes short. We feel that the lack of voters signing this petition is some indication that the people of Maine are not overly concerned with the Me. issue.

In closing, I would ask my fellow legislators, please don't vote against me.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House This report rather catches me unprepared and I would appreciate it if someone would table this for two Legislative days.

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

Mr. PALMER: Mr. Speaker, I move this item lie on the table for two legislative days.

Thereupon, Mr. Rolde of York requested a vote on the tabled motion.

The SPEAKER: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that this matter be tabled pending the motion of Mr.

Faucher of Solon to accept the Majority "Ought not to pass" Report and specially assigned for Tuesday, February 25. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

**Divided Report**

Majority Report of the Committee on Liquor Control reporting "Ought to Pass" on Bill "An Act Relating to Wholesale Deliveries of Malt Beverages and Table Wine on Election Day" (H. P. 258) (L. D. 305)

Report was signed by the following members:

Messrs. GRAFFAM of Cumberland  
CARBONNEAU of Androscoggin  
DANTON of York

- of the Senate.

Messrs. DYER of South Portland  
PERKINS of Blue Hill  
MAXWELL of Jay  
PIERCE of Waterville  
TWITCHELL of Norway  
JACQUES of Lewiston

- of the House.

Minority Report of same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:

Messrs. LIZOTTE of Biddeford  
RAYMOND of Lewiston  
FAUCHER of Solon  
IMMONEN of West Paris

- of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

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

The SPEAKER: The gentleman from Jay, Mr. Maxwell, moves the House accept the Majority "Ought to Pass" Report.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those who signed the report adverse to the majority, and the reason for that is that, I felt that if the retailers on election day are not allowed to sell that neither should the wholesalers. I think that the people should vote against this because it is prejudicial.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that the House accept the Majority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

103 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

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

**Divided Report**

Majority Report of the Committee on Legal Affairs on Bill "An Act Relating to Vehicle Operators Wearing a Radio Headset" (H. P. 204) (L. D. 249) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-31) submitted therewith.

Report was signed by the following members:

Mr. CORSON of Somerset

- of the Senate.

Messrs. BURNS of North Anson  
JOYCE of Portland  
HUNTER of Benton  
GOULD of Old Town  
FAUCHER of Solon  
PERKINS of Blue Hill  
DUDLEY of Enfield

- of the House.

Minority Report of same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. CIANCHETTE of Somerset  
DANTON of York

- of the Senate.

Messrs. CAREY of Waterville  
SHUTE of Stockton Springs  
COTE of Lewiston

- of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, I move we accept the "ought to pass" report and would speak to my motion.

The SPEAKER: The gentleman from Solon, Mr. Faucher, moves that the House accept the Majority "Ought to pass" Report.

The gentleman may proceed.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I hope that this bill won't be tabled. I believe that if the chairman of the committee is ready to debate a bill, the sponsor should be able to debate this bill too.

L. D. 249 is intended to correct one major hazard on the roads. This bill will probably prevent the use of certain radio receiving devices by the operator. It is only intended to prohibit the use of those devices which would interfere with the operator's ability to hear audible warnings given by other vehicle operators or police officers.

The purpose of the amendment is to allow motorcycle examiners to use this kind of equipment while giving an examination.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-31) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Consent Calendar**

**First Day**

In accordance with Joint Rule 49-A, the following items appear on the Consent Calendar for the First Day:

Bill "An Act to Revise the Assessor's Warrant from a Statutory Form to a Form Prescribed Annually by the State Director of Property Taxation" (Emergency) — Committee on Taxation reporting "Ought to Pass" (S. P. 88) (L. D. 259)

Bill "An Act to Eliminate the 5-Year Residency Requirement for Persons Seeking a License to Operate an Employment Agency" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-7) (S. P. 62) (L. D. 181)

(H. P. 140) (L. D. 172) Bill "An Act Relating to Executive Exemption Under the Minimum Wage Law" — Committee on Labor reporting "Ought to Pass" (H. P. 140) (L. D. 172)

Bill "An Act Restricting Use of Weapons at Public Schools" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-30) (H. P. 6) (L. D. 11)

No objection having been noted, the

above items were ordered to appear on the Consent Calendar of February 21, under listing of Second Day.

**Consent Calendar  
Second Day**

In accordance with Joint Rule 49-A, the following items appear on the Consent Calendar for the Second Day:

Bill "An Act Relating to the Number, Election, Quorum and Term of Office of the Trustees of Hebron Academy" (S. P. 69) (L. D. 185)

Bill "An Act Combining the Towns of Yarmouth and North Yarmouth as One Municipality for Shellfish Conservation Purposes" (H. P. 70) (L. D. 82)

Bill "An Act Relating to Suspension of Sale of Certain Bedding and Upholstered Furniture" (C. "A" H-24) (H. P. 143) (L. D. 165)

Bill "An Act Relating to Fines, Suspensions and Revocations Levied by the Harness Racing Commission" (H. P. 431) (L. D. 525)

No objections having been noted at the end of the Second Legislative Day, Senate Papers were passed to be engrossed in concurrence and House Papers were passed to be engrossed and sent to the Senate for concurrence.

**Second Reader  
Tabled and Assigned**

Bill "An Act to Establish a Fee for Issuance of the First Hairdresser's License and to Establish a Fee for Certain Hairdresser Examinations" (H. P. 565) (L. D. 663)

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

On motion of Mrs. Boudreau of Portland, tabled pending passage to be engrossed and specially assigned for Tuesday, February 25.

**Second Reader  
Tabled and Assigned**

Bill "An Act to Increase Boarding Allowance for Students of Coastal Island" (H. P. 232) (L. D. 288)

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

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

Mrs. LEWIS: Mr. Speaker, I want to go back to the original majority report.

The SPEAKER: The Chair would inform the gentlewoman that item 2 is a unanimous "ought to pass" report from the Committee.

(Thereupon, no motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be engrossed and tomorrow assigned.)

**Passed to Be Engrossed**

Bill "An Act Relating to Licenses Issued by the Harness Racing Commission and to the Rule-making Authority of that Commission" (H. P. 363) (L. D. 457)

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

**Amended Bills**

RESOLVE, to Reimburse Marcia S. Webster of Auburn for Loss by Fire Caused by State Ward (H. P. 268) (L. D. 316) (C. "A" H-25)

RESOLVE, to Reimburse G. Gordon Gilman of Stow for Loss of Bee Hives by

Bear (H. P. 291) (L. D. 343) (C. "A" H-26)

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

(Off Record Remarks)

On motion of Mr. Palmer of Nobleboro,  
Adjourned until twelve o'clock noon  
tomorrow.