

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

Tuesday, February 25, 1975

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

Prayer by the Rev. Howard Benson of Old Town.

The members stood at attention during the playing of the National Anthem by the Bangor High School Band.

The journal of the previous session was read and approved.

Papers from the Senate

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

Reports of Committees Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" on Bill "An Act Increasing the Number of Official Court Reporters" (S. P. 127) (L. D. 413)

Report of the Committee on Liquor Control reporting "Ought to Pass" on Bill "An Act to Authorize the State Liquor Commission to Grant Civic Associations Licenses to Sell Alcoholic Beverages for on-Premise Consumption" (S. P. 89) (L. D. 260)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read once and assigned for second reading tomorrow.

Divided Report**Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Resolution, Proposing an Amendment to the Constitution Prohibiting Anyone under Sentence for a Felony from Seeking or Holding a Constitutional Office (S. P. 43) (L. D. 95)

Report was signed by the following members:

Messrs. CURTIS of Penobscot
GRAHAM of Cumberland
— of the Senate.

Messrs. COONEY of Sabattus
CARPENTER of Houlton

Mrs. KANY of Waterville
PELOSI of Portland
FARNHAM of Hampden
WAGNER of Orono
LEWIN of Augusta
Mrs. SNOWE of Auburn
QUINN of Gorham

— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.
Mr. STUBBS of Hallowell

— of the House.

Came from the Senate with the Minority "Ought to Pass" Report accepted and the Resolution passed to be engrossed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of the Majority "Ought not to pass" Report, and because the gentleman from Hallowell, Mr. Stubbs, is not with us today and would like to be here for

discussion of this bill, I would ask that someone table this bill for two legislative days.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Cooney of Sabattus to accept the Majority "Ought not to pass" Report in non-concurrence and specially assigned for Thursday, February 27.

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:

Agriculture

Bill "An Act Relating to the Employment Veterinarians by the Commissioner of Agriculture to Ensure Compliance with the Harness Racing Statutes" (H. P. 616) (Presented by Mr. Mahany of Easton)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Provide Funds for the Continuation of Children's Mental Health Services within the State of Maine" (H. P. 623) (Presented by Mrs. Boudreau of Portland)

The Committee on Reference of Bills suggested the Committee on Appropriations and Financial Affairs.

On motion of Mr. Goodwin of South Berwick, tabled pending reference and tomorrow assigned.

Appropriations and Financial Affairs

Bill "An Act Making Supplemental Appropriations for Human Services and Authorizing the Development of a Comprehensive Plan for Human Services" (H. P. 625) (Presented by Mr. Mulkern of Portland) (Cosponsors: Mr. LeBlanc of Van Buren, Mrs. Najarian of Portland, Mrs. Goodwin of Bath)

Bill "An Act Making Supplemental Appropriations for the Maine Human Services Council" (H. P. 626) (Presented by Mr. Kelleher of Bangor) (Cosponsor: Mrs. Goodwin of Bath)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Clarify the Law Relating to Group Insurance Certificates" (H. P. 617) (Presented by Mr. Fraser of Mexico)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Provide for Open Filing in Primary Elections" (H. P. 624) (Presented by Mr. DeVane of Ellsworth)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Lower the Age Requirement for Complimentary Hunting and Fishing Licenses to 65 Years" (H. P. 620) (Presented by Mr. Leonard of Woolwich)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Compensation in Eminent Domain Proceedings" (H. P. 622) (Presented by Mr. McKernan of Bangor)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Amend the Site Location of Development Statutes" (H. P. 619) (Presented by Mr. Curran of Bangor) (Cosponsor: Mr. Doak of Rangeley)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Clarify the Personnel Law as to Staff Attorneys in the Office of Attorney General" (H. P. 618) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Relating to Method of Turning at Intersections" (H. P. 621) (Presented by Mr. Leonard)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Binnette of Old Town presented the following Order and moved its passage:

ORDERED, that Judy C. Kany of Waterville be excused on Wednesday, February 26 for legislative business.

The Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: May I take just a moment to explain the reason for the requested absence? I am accompanying a disabled constituent to Boston to appear with her before Judge Flynn for an SSI disability appeal hearing. Application for this hearing was made last June. Supposedly such hearings are scheduled for both Bangor and Augusta, yet it has taken eight months of repeated requests to arrange a hearing date as far away as Boston. I find it disturbing that people whose needs may be very acute are subject to such delay from a portion of our government.

Thereupon, the Order received passage.

House Reports of Committees Ought Not to Pass

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees" (H. P. 160) (L. D. 193) reporting "Ought Not to Pass"

Mr. Smith from same committee on Bill "An Act Supporting Additional Positions for Department of Health and Welfare" (H. P. 289) (L. D. 341) reporting same.

Pursuant to Joint Rule 17-A, were placed in legislative files and sent to the Senate.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act to Permit Insurers to Limit Liability on Accident Policies in Certain Situations" (H. P. 24) (L. D. 32)

Report was signed by the following members:

Messrs. THOMAS of Kennebec
JOHNSTON of Aroostook
— of the Senate.

Messrs. PEAKES of Dexter
BOWIE of Gardiner
HIGGINS of Scarborough
RIDEOUT of Mapleton
TIERNEY of Durham

PIERCE of Waterville
DeVANE of Ellsworth
Mrs. BOUDREAU of Portland
of the House.

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

Report was signed by the following members:

Mr. REEVES of Kennebec
— of the Senate.
Mrs. CLARK of Freeport
Mrs. BYERS of Newcastle
— of the House.

Reports were read.

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

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

The SPEAKER: The gentlewoman from Portland, Mrs. Boudreau, moves that the House accept the Majority "Ought to pass" Report.

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: This is the first divided report from the Committee on Business Legislation, and as chairwoman of that committee and signing an obvious minority "ought not to pass" report, I believe it is my responsibility to clarify my signature on that minority report.

I will provide you with a bit of background on this bill at this time. Twenty-four A, M.R.S.A., subsection 21, which applied to health insurance contracts, allowed health insurers to include a provision in contracts that if the insured had more than a certain amount of such insurance with the same company, the excess would be void and the premium for the excess returned.

One or more companies were selling health policies with such a provision to customers who already purchased policies from the same company. This was done with the knowledge that if there was a claim, the company would not pay but would return the premium. If there were no claim, the company would, of course, retain the premiums.

In order to correct this consumer abuse, the Bureau of Insurance introduced in the 106th Maine Legislature a bill to repeal Section 2721, that section which is addressed in L. D. 32. The Business Legislation Committee, at that time, voted for the bill, and it was enacted. There was no controversy over this and no mention at the time of any possible problem with flight insurance sold at airports in the state. The problem arose when the companies settling such insurance interpreted the legislature's action as barring such sales.

The Bureau had not intended this effect. It felt that the absence of such a statute would allow it to approve contracts with the limiting provisions. The companies argued, however, that the courts would interpret the legislature's repeal of the section as a prohibition against the bureau's allowing such provisions in contracts. The companies never took court action to test this legal theory, however—very interesting. The companies may have been using the legislature's actions as an excuse to break contracts with the airports under which the rent or fee for the space for the insurance vending machines was too high to allow a profit on such machines, or there was simply not enough business in Maine for a profit.

It is significant that at the public hearing on L. D. 32 that these companies did not appear to testify or express any interest in this bill, nor were we overrun with the number of Maine citizens and/or consumers who were interested in purchasing insurance in this manner.

I simply present this to you this morning because I question the need for reinstating a statute which has yet really to be effective. In other words, there is no need. Do we need to clutter up our statutes further? One hundred and six addressed the issue and corrected it.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this bill was to encourage the sale of flight insurance in Maine airports by including insurance sold through coin machines by providing statutory language will limit the liability of insurers. Currently there is no statute directly limiting the amount of accident insurance that a person can purchase from one insurer. Such limits can be established administratively and an insurer can obtain approval from the Bureau of Insurance for a limiting clause to be included in the policy. However, a limiting clause specified by statute is felt to provide a greater inducement to them to provide flight insurance in the state.

Approval of this bill will eliminate the excuse used by the insurance companies, when they stop providing the sale of this kind of insurance at Maine's airports.

This bill restores the law to what it was two years ago as far as accident policies are concerned. The law was changed two years ago, basically to prevent mail order companies that sold health insurance in this state from cancelling on policy where two or more were issued by the same company, as the gentlewoman, Mrs. Clark, has stated in her remarks.

It is important to remember, however, that this bill applies only to accident insurance policies that are effective immediately upon purchase. The limit of liability will apply only to such policies and will not affect life insurance policies or other kinds of insurance policies other than accident policies that take effect immediately upon purchase.

Ladies and gentlemen, I consider this a consumer bill in the very truest sense of the word. I believe that if you asked your constituents whether they would want the opportunity to purchase this kind of insurance prior to boarding an airplane at Portland or at Bangor, most if not all that you asked would agree that they would like the opportunity to do so. I, myself, became aware of this situation only when I attempted to purchase such insurance when taking a flight at the Portland airport this summer.

In conclusion, let me address myself to a comment made by the gentlewoman regarding a public hearing. She neglected to tell you that the public hearing was held during a very severe snow storm, and in spite of that, the manager of the Bangor International Airport did manage to make it to the public hearing to speak on behalf of the bill.

I sincerely hope that you accept the majority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker and Members of the House: There is an

opportunity to buy insurance at the airports. You may go to the telephone and call your insurance agent and have a policy that starts that minute. I believe there is no need for this legislation. Our laws do not prohibit the use of insurance vending machines at this time. Our laws do not prohibit an insurance company from limiting the amount of insurance it wishes to sell.

I wonder if this really is a consumer bill. There is some question in my mind, at any rate. Is it better to limit the amount of insurance that a consumer may buy, or is it better to let the consumer buy as much insurance as he feels he might want or need?

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

Mr. McMAHON: Mr. Speaker and Members of the House: To address the comments of the gentle lady, policies can be purchased now through individual agents, it is true. But generally these are trip policies that are very much more inclusive and more expensive than policies such as we are talking about.

I would repeat a comment I made earlier, that you will be doing is providing the opportunity for flight insurance companies to sell trip accident policies, and you would be providing the opportunity to the people of this state to buy such policies if they forget or are not aware that they can go to their individual agents and buy similar policies prior to their getting to the airport.

How many of you, as I, go to the airport expecting to purchase insurance and at the last minute find that you can't do so? Most people would feel very frustrated and probably would not have the time to call their agent and ask him to put into effect a trip policy.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker and Members of the House: By passing this piece of legislation, it does not guarantee that these machines will be put in the airport. There have been no guarantees of the insurance from the insurance companies.

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: Echoing the sentiments of the gentlewoman from Newcastle, Mrs. Byers, the only effect of L. D. 32 would be to remove the legal argument that the companies said prevented the sale of such insurance. And as I stated in my first remark, the companies have not cared enough to even go to court to get a legal opinion as to the interpretation of the repeal of the statute, and the Bureau of Insurance has repeatedly told these insurance companies that they are not prohibited from providing such services.

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

Mr. DeVANE: Mr. Speaker and Members of the House: As one of the 10 members who signed the "ought to pass" report, I would like to say that in all respect it is probably better that the question be resolved in the legislature and one less question be resolved in the court. It is less important to me what the bureau thinks than what the legislature thinks, and I

would ask you to support the committee's "ought to pass" report.

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

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: This bill merely encourages the purchase of insurance at an airport which would, in effect, spread the loss over the greater number of the public. A lot of us don't go to the airport and then call our insurance man. If we have a machine there, we would purchase the insurance, and I think it ought to pass.

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

Mrs. CLARK: Mr. Speaker, I move the indefinite postponement of L. D. 32 and would speak briefly to my motion.

The SPEAKER: The gentlewoman from Freeport, Mrs. Clark, moves that this bill and all its accompanying papers be indefinitely postponed.

The gentlewoman may proceed.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I would wonder if the purpose of legislative action is to limit the excuse of insurance companies not to provide services for Maine consumers and airport or travel customers. I also wonder whether the thrust of legislative activity is to provide incentive for insurance companies when, indeed, the provision by which they are allowed to sell flight insurance at airports is already one of their privileges.

The SPEAKER: The pending question is on the motion of the gentlewoman from Freeport, Mrs. Clark, that Bill "An Act to Permit Insurers to Limit Liability on Accident Policies in Certain Situations," House Paper 24, L. D. 32, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

36 having voted in the affirmative and 95 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" on Bill "An Act Relating to Transporting Deer in Open View" (H. P. 344) (L. D. 428)

Report was signed by the following members:

- Messrs. McNALLY of Hancock
- GRAFFAM of Cumberland
- of the Senate.
- Messrs. WALKER of Island Falls
- KAUFFMAN of Kittery
- PETERSON of Caribou
- MARTIN of St. Agatha
- McEACHERN of Lincoln
- MILLS of Eastport
- of the House.

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

Report was signed by the following members:

- Mr. PRAY of Penobscot
- of the Senate.
- Messrs. USHER of Westbrook
- TOZIER of Unity
- CHURCHILL of Orland
- DOW of Gardiner
- of the House.

Reports were read.

Mr. Mills of Eastport moved that the House accept the Majority "Ought to pass" Report.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with our good friend Mr. Mills from Eastport. I think the other members that signed the "ought not to pass" report will go along with me on this, because we hear from the Fish and Game Department each year that they need more — next session they will come back and say we need more men to enforce this law. We have to open up every trunk going out of state or travelling long distance. It looks to me like anyone can hide or conceal his deer after they have tagged the deer. Furthermore, when you get the small cars, the Volkswagen, it looks to me like it would be quite difficult for two men that travel here from Massachusetts to conceal this deer in a trunk, because there isn't room to even hold a suitcase hardly. The same way with a Jeep or any other of these vehicles. If the people object to seeing these dead animals on the top of the car, they don't have to stop and stare at them or look at them in a parking area.

We all know what it is like to be stopped continually during the month of November to have our orders checked, and this is just going to mean that we have got to get out and open up the trunk, let them look in the trunk to see if we have got a deer in it, regardless of whether you are hunting or not. They would have no way of knowing whether there was a deer concealed in there.

It looks to me as if this is a very poor piece of legislation, and it will only mean added costs to the Fish and Game Department. Another session they will want another increase in license fees. So I move that we vote against Mr. Mills. I have no objection to Mr. Mills, I like him very much and I think all of us do, but I don't think this is a good piece of legislation.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentleman of the House: In the last ten years I have been around here, there have been many many complaints from people who come here. They hunt our territory; they spend their money here, and they are paying the increased license fees. They are entitled to some consideration in their method of transportation. I don't find anything wrong with game wardens getting out of some nice warm bunkhouse or something else and standing beside the road to check out these cars. That is what they are being paid for, to know what the law is and how to enforce it.

But to get back to the change in cars that we have had in the past 25 years, in the old days when I tied a deer, you could tie him between the hood and the fender of the car. Today, you have got to latch him on top and you have got to run ropes in through your windows and everything else.

Now as far as the air conditioning created by this method is concerned, it is the occupant who has gone to the trouble of transporting the deer who is in the open air all the time as he drives out of the state. There is no question but we have got to use a little common sense on this, and where they have legally had the deer registered in at some station, they have conformed to all the other laws we have got, I see no

reason why they can't transport it in the trunk so if they have an emergency with their car, they will be able to get out the doors of the car without having to cut the ropes and drop the deer first.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I agree very much with the gentleman from Eastport, Mr. Mills, because today most of us own pickups with tops on them. We own Jeeps. Mr. Churchill just mentioned Jeeps. Jeeps are the same way. You can throw a deer in the back end, if you get it, and it won't show unless you tie its feet up in the air and open your back door. That is the same way with a pickup with a topper on it.

Today they have road checks on all vehicles. It doesn't make any difference whether you have got a deer tied on the outside or not. They have a road check. They have them between Ashland and Presque Isle very frequently. They always open up your trunk and look in your car anyway.

I think this bill is a very moderate bill and it is bringing us up to date, not only for the people going out of state, but I think for the people in the State of Maine who live here and who are fortunate enough to get a deer. As far as raising licenses is concerned, I don't think it makes much difference whether you raise the license or you don't. I think this is going to happen just the same and it is just modernizing our method of checking deer and our method of hauling deer.

As the gentleman from Eastport, Mr. Mills, has said, you tie a deer on top and you have got to tie him down around your looking glass, your rear vision mirror or something, to get them so you can see them, and if you do, the first thing you know, it is going to be broken off.

I think this is a good bill, and I hope you will go along with the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, may I pose a question?

I would like to know, and please excuse my ignorance, I have read the bill and I don't quite understand, would this piece of legislation require that I must transport out-of-view or that I may transport in the trunk?

The SPEAKER: The gentleman from Houlton, Mr. Carpenter, poses a question through the chair to anyone who may wish to answer.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentleman of the House: In reply to the gentleman's question from Aroostook, this is only permissive. You can transport a deer any way you want to, but this is permissive to put it in the trunk of your car so you would be able to operate your car over long mileage in a much safer condition without having a lot of ropes tied in through the top of your car door and windows.

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

Mr. USHER: Mr. Speaker, Ladies and Gentleman of the House: I agree with Mr. Churchill, the gentleman from Orland, because I think this bill would encourage

the person to proceed past the registration station and also I think it would have a big effect on our poaching problem which we already have and it is growing every day. I would, therefore, recommend that we accept the minority "ought not to pass" report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Eastport, Mr. Mills, 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.

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

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

Consent Calendar

First Day

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

Bill "An Act to Provide for the Election of Each County Commissioner of York County by only the Electors of the District Represented" — Committee on Local and County Government reporting "Ought to Pass" (H. P. 399) (L. D. 488)

Objection having been noted, was removed from the Consent Calendar's First Day list.

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

Bill "An Act to Increase the Length of Herring which may not be Sold" — Committee on Marine Resources reporting same. (H. P. 236) (L. D. 292)

Bill "An Act to Clarify the Powers of Coastal Wardens" — Committee on same reporting same. (H. P. 407) (L. D. 496)

Bill "An Act to Clarify the Maine Consumer Credit Code as it Applies to Consumer Credit Sales Pursuant to which no Finance Charge is Made" (Emergency) — Committee on Business Legislation reporting same. (H. P. 303) (L. D. 366)

Bill "An Act Relating to the Presentation of Budgets by School Administrative Districts" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-8) (S. P. 49) (L. D. 130)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 26 under listing of the Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49-A, the following item appears on the Consent Calendar for the Second Day: Bill "An Act Relating to Hearings for Applications for Liquor Licenses" (S. P. 101) (L. D. 356)

No objections having been noted at the end of the Second Legislative Day, Senate Paper was passed to be engrossed in concurrence.

Second Reader Tabled and Assigned

Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans" (H. P. 293) (L. D. 346) (C. "A" H-32)

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

The SPEAKER: The Chair recognizes

the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 346 says in the Statement of Fact that the purpose of this resolve is to reimburse certain municipalities on account of property tax exemptions of veterans. During the session this morning, I discussed this bill with the House Chairman of the Taxation Committee and raised some questions to him, and neither of us could come up with a satisfactory answer.

Now my questions basically are twofold: One, do the communities have to apply for this reimbursement or does the Taxation Department send out a notification? This has been a very hot issue in one of the towns I represent, particularly Castine, and I think it probably would apply to not only some of the towns I represent but to many towns you people represent. I think I would like to have some answers to those questions today. Unless someone can provide me with some answers, I would ask the majority floor leader if he would kindly table it for two days until we can get some answers, because I think it is a relatively important bill for many towns in the state.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage to be engrossed and specially assigned for Thursday, February 27.

Passed to Be Enacted Emergency Measure

An Act to Suspend Certain Requirements of the Employment Security Law During Periods of Emergency (H. P. 509) (L. D. 571)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 130 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Revise Certain Requirements of the Employment Security Law During Periods of Emergency (H. P. 510) (L. D. 572)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act to Annex Township 4, Range 2 of the Town of Carrabasset Valley (S. P. 78) (L. D. 218)

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

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

Mr. ROLDE: Mr. Speaker and Members of the House: We are still doing some checking on what the possible loss of revenue to the state would be. I was in the Legislative Finance Office earlier today, and they still don't have all the complete

figures, so I would appreciate it if somebody would table this for one legislative day.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending passage to be enacted and tomorrow assigned.

Emergency Measure

An Act Making an Additional Appropriation from the General Fund to Restore the Appropriation for Operations of the Bureau of Taxation for the Fiscal Year Ending June 30, 1975 (H. P. 43) (L. D. 55)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 131 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify the Power of County Commissioners to Authorize the Sale of Malt Liquor and Table Wine for Off-premise Consumption on Sundays in Unincorporated Communities (H. P. 144) (L. D. 175)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 120 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Board of Cosmetology to Employ a Part-time Executive Secretary (H. P. 201) (L. D. 246)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 117 voted in favor of same and 13 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

An Act to Extend Standard Coverage under the Minimum Wage Statutes to Employees of Nursing Homes and Hospitals (H. P. 339) (L. D. 422)

Finally Passed

Resolve, Ratifying Grant of Easement on State Land to Central Maine Power Company (H. P. 54) (L. D. 66)

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

Orders of the Day

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

Bill "An Act to Permit Reimbursement of Attorney General's Cost of Investigation when a Permanent Injunction is Issued" (S. P. 206) (L. D. 696)

Tabled — February 21, by Mr. Smith of Dover-Foxcroft.

Pending — Motion of Mr. Garsoe from Cumberland to reconsider reference to Committee on Appropriations and Financial Affairs.

On motion of Mr. Palmer of Nobleboro, retained pending the motion of Mr. Garsoe of Cumberland to reconsider reference and specially assigned for Thursday, February 27.

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

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)

Tabled — February 20, by Mrs. Boudreau of Portland.

Pending — Passage to be Engrossed.

Mrs. Boudreau of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-36) was read by the Clerk and adopted.

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

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Legal Affairs on Bill "An Act to Prohibit the Use of Abbreviations of the State's Name" (H. P. 3) (L. D. 8)

Tabled — February 20, by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Faucher of Solon to accept Majority "Ought Not to Pass" Report.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "ought to pass" report of this bill, I would like to share with you my thoughts and reasons for my position on this measure.

It should be understood that this bill would prohibit only state agencies and not private agencies or private persons from using the abbreviation of our state's name.

Probably the state agency that has caused most of the controversy in regard to the use of the abbreviation in the promotional ideas of our state is the Department of Commerce and Industry, formerly the Department of Economic Development, who in their great wisdom paid an out-of-state firm thousands of dollars to come up with such advertising gimmicks as I have here, a gimmick such as "Meet Me in the Woods," "Make Tracks with Me," "Catch Me," "Explore Me," "Dig Me," "Search Me," "Discover Me in the Woods," "Escape to Me," "Wild Me," "Hunt Me," "Ski Me," "Fish Me," and many others.

Ladies and gentlemen, I would ask you this question: Do you think this kind of advertising does anything to make people even relate to our state as a four-season sport?

Possibly, this was the reason why a young man from Searsmont by the name of Dave Olson, who is editor and owner of Maine Life Magazine, started a petition drive to put this issue before the people on a referendum vote. Due to his efforts and about \$600 of his money, he collected over 19,000 signatures in less than four months

and feels certain that his efforts would have produced the required number of signatures had this legislation not been introduced, making many people feel it was unnecessary to collect more signatures, as the legislature would be addressing itself to this issue.

Just to give you an idea of the support around the state on this measure, I would like to list some of the major newspapers in the state that have supported this petition drive: The Belfast Republican Journal, The Portland Press Herald, The Bangor Daily News, The Camden Herald, Waterville Morning Sentinel, Portland Evening Express, The Tuesday Weekly, The Maine Times, The Ellsworth American, The Maine Sunday Telegram, The Piscataquis Observer and also the Governor of the State, James Longley.

So, ladies and gentlemen, I would think that we, as responsible Representatives, do owe the persons that worked on this petition drive the consideration of today rejecting the "ought not to pass" report, then accepting the "ought to pass" report and making any amendments to this bill that would make it acceptable to most everyone.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: First, I want to thank all of you who gave me the privilege last week of having this tabled for two legislative days. I was unaware that this was on the calendar, because I did have another bill on the calendar which I had spotted and I was completely unprepared. I had a lot of material, not with me, that I wanted to use. Much of it I can't use now because the good gentleman from Stockton Springs, Mr. Shute, has used it.

I, for one, thought when the program substituting Me. for Maine started, it was a rather catchy phrase and I kind of like it, but as the days rolled on and the years rolled on, I began to wonder whether I lived in the State of Maine or in the State of Me.

I am rather proud of the State of Maine and I think it is Maine that we should be advertising, not Me. Wouldn't it be funny to go up to the University of Maine to a football game, Maine scores a touchdown, 6,000 people stand and sing, "Fill the Steins for Dear Old Me."? Probably at that stage in the game they wished they had a stein and they wished it was filled for Me.

I have copies here of editorials from every Maine newspaper, and I believe all except one Maine weekly endorsed this movement. One of the finest editorial writers in the state, of course, is the gentleman at the Ellsworth paper, and this is how he concludes his editorial and I think it speaks for all of us. "Maine needs no tawdry abbreviation. Five letters isn't too much even for a first grader to handle." Olson is accepting requests for his petitions, let's restore M-A-I-N-E to Maine.

Now, what about the petitions? Without any advertising except in the little paper "Maine Life," not the "Maine Times," the editor, Mr. Olson, made a brief comment in one issue that he was fed up with Me. for Maine. Right off quick he started getting all kinds of letters from the subscribers, if you are fed up with it, why don't you do something about it. So in the next issue he ran a little cut out there, if you will help pass out petitions, I will try to do

something. Nine hundred people wrote in asking for petition papers. Now, you say no one in Maine is interested.

Those of you who have been involved in other petitions know that to get 38,000 or 39,000 people, you almost have to pay people to go out and get the signatures. This group had no funds to hire people, so we did lack the signatures and possibly we might have gotten them if I hadn't introduced the bill in December. My reasons for introducing it, were I had full knowledge of the difficulty in getting 37,000 or 38,000 valid signatures. As it was, petitions with over 19,000 names on it have been turned in, and hundreds of the petitions have not been turned in because they assumed this legislature had the wisdom to get rid of this thing Me. and start tooting our horns about the State of Maine.

I know the members of the committee who voted "ought not to pass" on this subject were not greatly concerned.

I think they thought it was a little bit trivial, why take up the time of the legislature, but it is coming early in the legislature when time doesn't mean a great deal. But it is time we started thinking of the grand old State of Maine and not Me.

True, many of the advertisements are not sponsored by the Department of Commerce and Industry, other organizations picked it up. Some of us who live in Eastern Maine saw that beautiful ad that the lottery people sponsored on a Canadian station, which has wide coverage in Maine. Here is a pretty girl with a handkerchief on one part of her body and a bandana on the other part and she is half reclining on the floor and says, "Come Play with Me" now isn't that a great ad for the State of Maine? Fortunately, it was pulled off the air. I kind of judge from the laughter that some of the people would like to have seen it. Jack Norris says he liked it.

I hope that when you vote today you will realize that this does not affect the Jaycees or Sugarloaf or any of the private organizations that want to advertise using the word Me. from doing so. It simply tells the state organizations that from now on if you are going to do any advertising, you are going to advertise the State of Maine.

I did check with the Department of Commerce and Industry back in December. I tried to get hold of Mr. Keefe; I couldn't. I talked with the man who is number two in line then, Mr. Kelso, and I said, are we going to have several million dollars worth of junk advertising to throw away if this bill passes? He said, well, you fellows won't be out of there until June, it takes 90 days then, and I think we will be rid of it all by then. We are getting enough repercussions. I doubt that we will ever go into another program of this nature of advertising Me. and not Maine.

Ladies and gentlemen, when you vote today, let's vote for the State of Maine, not for Me.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I believe as the Chairman of the Legal Affairs Committee, I should defend the committee's position on this. This came out of committee 10 "ought not to pass" and 3 "ought to pass." The committee felt that we had enough laws on the books that affect the people in the state of Maine that we wouldn't need any more

little ditties like this to clutter our books.

I believe this bill was aimed at the Lottery Commission because it says "Play Me." on it, but the Lottery Commission Commissioner, Mr. Orestis, came to our committee and told us that he had about \$27,000 more of advertisement that he would like to use before we change this law, and he told us that he wouldn't use the name of "Play Me" again. It has been there long enough now and they would like to use another name.

I hope this morning you don't go along with this little bill; let's hope we kill it. Mr. Speaker, I now move the indefinite postponement of this bill and all its accompanying papers.

Thereupon, Mr. Farnham of Hampden requested a vote on the motion for indefinite postponement.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Solon, Mr. Faucher, that this Bill and all accompanying papers be indefinitely postponed. All those in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Solon, Mr. Faucher, that the House accept the Majority "Ought not to pass" Report.

Thereupon, Mr. Henderson of Bangor 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 Solon, Mr. Faucher, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Prohibit the Use of Abbreviations of the State's Name," House Paper 3, L. D. 8. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Blodgett, Burns, Bustin, Carter, Chonko, Cooney, Cox, Curran, P.; Curran, R.; Dow, Dyer, Farley, Faucher, Gould, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Ingegneri, Jensen, Joyce, Kany, Kennedy, Lewis, Lynch, MacEachern, Martin, R.; McKernan, Mills, Miskavage, Mitchell, Morton, Nadeau, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Powell, Quinn, Rolde, Rollins, Snow, Talbot, Theriault, Truman, Twitchell, Tyndale, Walker, Wilfong, The Speaker.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Binnette, Birt, Boudreau, Bowie, Call, Carey, Carpenter, Churchill, Clark, Connolly, Cote, Curtis, Davies, DeVane, Doak, Drigotas, Dudley, Durgin, Farnham, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Hinds, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Laffin, LaPointe, LeBlanc, Lewin, Littlefield, Lizotte, Lovell, Lunt, MacLeod,

Mahany, Martin, A.; Maxwell, McBreairty, McMahon, Morin, Mulkern, Najarian, Palmer, Perkins, S.; Perkins, T.; Pierce, Post, Raymond, Rideout, Saunders, Shute, Silverman, Snowe, Sprowl, Strout, Susi, Tarr, Teague, Torrey, Tozier, Usher, Wagner, Webber, Winship.

ABSENT — Byers, Carroll, Conners, Dam, Garsoe, Gauthier, Gray, Greenlaw, Lavery, Leonard, Mackel, Smith, Spencer, Stubbs, Tierney.

Yea, 56; No, 80; Absent, 15.

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

Thereupon, on motion of Mr. Farnham of Hampden, the Minority "Ought to pass" Report was accepted.

The Bill was read once and assigned for second reading tomorrow.

(Off Record Remarks)

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I asked this to be on the record, Mr. Speaker, because I think it is important and I think you, Mr. Speaker, and all who have been here know that there is more discussion about rulings and laws and what have you outside the railing or outside, where we should go, where I should go, particularly, than there is sometimes here on the floor. I would like to support the action of the Speaker this morning on the comments made by the gentleman from Calais, Mr. Silverman, and I refer to Rule 17-A.

This was a rule that was put in a couple of years ago to stop a measure by just having a 9 to 1 report. It would clutter up the program, it would stop tabling, it would finally dispose of a measure that was doomed. The rule appears as a joint rule, which proves the Speaker's point, which reads "Ought not to pass" Reports. "Any bill or resolve, which bears a unanimous ought not to pass notation by the committee to which it has been referred, shall upon notification of such action to both Houses be placed in the legislative files. No further action shall be taken following such disposition unless such bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses."

Further checking the record of the legislature, and this might be an idea to the Honorable Clerk, that in the unmentionable Body, they refer to these programs as "The following ought not to pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rule." This is part of the record of the Senate, all bound together, and it states so right on the record. It might be just a thought. I was one of those who signed the report as it is. I can't speak on it, but I would be delighted to talk to anyone outside the House as to the reasoning why I voted as I did.

(Off Record Remarks)

On motion of Mr. Doak of Rangeley,
Adjourned until 9:30 o'clock tomorrow morning.