

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, March 11, 1975

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

Prayer by the Rev. Gary Chamberlain of South Portland.

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

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act Appropriating Funds for Improvements at Northern Maine Regional Airport at Presque Isle" (S. P. 274) (L. D. 898)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, the Bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Open Containers of Alcoholic Beverages in Motor Vehicles" (H. P. 720) (L. D. 896) which was referred to the Committee on Judiciary on March 5 in the House.

Came from the Senate referred to the Committee on Liquor Control in non-concurrence.

In the House: On motion of Mr. McMahon of Kennebunk, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Require Returnable Beverage Containers" (H. P. 745) (L. D. 913) which was referred to the Committee on Natural Resources on March 5 in the House.

Came from the Senate referred to the Committee on Business Legislation in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I realize it is early in the morning and we have to get our wits about us, because this is a major item on the calendar the first thing.

I would make a motion that we recede and concur with the other body, but I would like to speak to my motion.

The SPEAKER: The gentleman from Windham, Mr. Peterson, moves that the House recede and concur.

The gentleman may proceed.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I went to a conference, not this past weekend but the weekend before, in Washington, D.C., to learn about the returnable bottle bill, because it was the understanding that I had that the bill would be coming to the Natural Resources Committee. At that conference I found out that most, in fact every state legislator that I talked to at that conference, the returnable bottle bill had always gone before the conservation committee or the natural resources committee of that state legislature.

The past history of this State Legislature is to have sent the bill to Legal Affairs. Now we have a new energy committee, which has been somewhat concerned with it, and now we have a situation that the bill has been referred to Business Legislation. I think the proper committee that this bill

should be before is the Natural Resources Committee. But I will agree to send it to the Business Legislation Committee because this bill will probably be one of the most heavily lobbied bills that you will see in this body this session, and for the sake of not losing it to a committee other than Business Legislation, I would move that we recede and concur today so that we can at least find this bill a little pigeonhole and start the process.

Thereupon, Mr. Farley of Biddeford requested a vote on the motion.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would defeat the motion to recede and concur so then we could move to insist upon our former action.

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

Mrs. CLARK: Mr. Speaker and Members of the House: I would hope that we would support the motion to recede and concur because the returnable bottle issue is appropriately referred to the Committee on Business Legislation. Consumer legislation and the regulation of business practices are appropriately topics of concern before the Committee on Business Legislation.

Since the chairman of the Committee on Natural Resources concurs with the decision regarding reference from the other body, then I think it would be wise for this body to go along with that chairman.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say that I concur with the gentlewoman from Freeport, Mrs. Clark, and the gentleman from Windham, Mr. Peterson, that the best thing we can do to insure that this bill will get a proper hearing is to recede and concur today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I guess my past actions in this House will generally indicate which direction I am going as far as the bottle bill is concerned. I am not concerned at all whether it is going to Business Legislation. I think they are an overworked committee to begin with, and this is certainly going to be a very controversial bill. I am not so sure that if the bill went to Natural Resources, Representative Peterson's Committee, that it wouldn't get a fair hearing there. I am sure it will get a fair hearing in any committee it goes to. But to try to encourage the members of this House to send it to one committee or another because of the fairness of the committee, I don't think that is any indication at all.

I would hope that you would support the motion of the gentleman from Windham, Mr. Peterson, and send it to Business Legislation. It has been in Legal Affairs several different times. Apparently leadership kind of agrees to where they want to send it, so maybe the House can put it in the proper direction and we can give an overworked committee already a little more work to do.

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

Mr. MCKERNAN: Mr. Speaker, Ladies

and Gentlemen of the House: Not to debate this any further, but I just want to assure the gentleman from Bangor, Mr. Kelleher, that I was in no way insinuating that any committee would not give it a fair hearing. I only meant that if we allow this bill to keep bouncing between Houses, it may never get to a committee.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The only thing I disapprove of this is that every time the Senate wants something, we go along with it. This I disapprove of. Therefore, I support Mr. Farley.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I find myself in an awkward position this morning. The gentleman from Bangor said leadership couldn't agree. Leadership did agree. We agreed to send this to the Committee on Natural Resources.

I share the anxiety of the other gentleman from Bangor that it might bounce back and forth between the bodies, but I think it would be worth at least trying today to see if we could stick with what leadership recommended, which is to send it to the Committee on Natural Resources.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't think we should be overly swayed by what the gentlemen at the other end of the hall happened to do. I think we should consider what the best policy for this particular bill is.

This is a bill that is going to be very important to the business interests of the state, to the small store owners, even to the bottle manufacturers and the retailers and all. I think the committee this bill should stand in front of and be judged by is the Business Legislation Committee.

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

A vote of the House was taken:

78 having voted in the affirmative and 64 having voted in the negative, the motion does prevail.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Not to be paranoid about this, but I move that we reconsider, and I hope you vote no.

Thereupon, Mr. Norris of Brewer requested a roll call vote.

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: This bill, I think, does basically deal with the environment, and for the first time we have had a chance to send it to the Natural Resources

Committee for study. They are the people who I think would much better understand this than the Business Legislation Committee. So I would hope that you would reconsider and that we might send this important piece of legislation to the proper committee.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I won't be quite as light as maybe some others have about what committee it ought to be referred to. I think it is pretty clear-cut that if it is referred to the Legal Affairs Committee, it is very likely to get an unfavorable report. It will get a fair hearing before that committee, but I think that's the basic issue. If we send it back to the Senate in non-concurrence, it is likely to be bounced to that committee. I think the members of the House who have a tendency to begin with to favor this piece of legislation should vote to have it referred to the Business Legislation Committee, otherwise it is going to be in trouble. I think that is the decision we have to make this morning.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that the House reconsider its action whereby it voted to recede and concur. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bennett, Berube, Binnette, Birt, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Cote, Curran, R.; Curtis, Dam, Doak, Dow, Drigotas, Durgin, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Hall, Immonen, Jacques, Jalbert, Joyce, Kany, Kauffman, Laffin, LeBlanc, Leonard, Lizotte, Lunt, Lynch, MacEachern, Mackel, MacLeod, Martin, A.; Martin, R.; Maxwell, Najarian, Norris, Pelosi, Peterson, P.; Rideout, Rolde, Rollins, Saunders, Sprowl, Teague, Tozier, Truman, Usher, Walker, Webber.

NAY — Albert, Bachrach, Berry, G. W.; Berry, P. P.; Blodgett, Bowie, Byers, Churchill, Clark, Connors, Connolly, Cooney, Cox, Curran, P.; Davies, DeVane, Dudley, Dyer, Farnham, Garsoe, Gauthier, Gould, Gray, Greenlaw, Henderson, Hennessey, Higgins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jensen, Kelleher, Kelley, Kennedy, LaPointe, Laverty, Lewin, Lewis, Littlefield, Mahany, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Palmer, Peakes, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Shute, Silverman, Smith, Snow, Snowe, Spencer, Strout, Stubbs, Susi, Talbot, Tarr, Theriault, Tierney, Torrey, Twitchell, Tyndale, Wagner, Wilfong, Winship, The Speaker.

ABSENT — Bagley, Hewes, Hinds, Hobbins, Lovell.

Yes, 64; No, 82; Absent, 5.

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

Reports of Committees

Ought Not to Pass

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Relating to Lights

on Motor Vehicles of State Liquor Inspectors" (S. P. 184) (L. D. 585)

Was placed in the Legislative Files without further action, pursuant to Joint Rule 17-A in concurrence.

Leave to Withdraw

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Resolve, to Reimburse Robert and Deborah Perkins of Anson for Damage to their Grocery Business Caused by Bridge and Road Construction (S. P. 115) (L. D. 380)

Report of the Committee on Performance Audit reporting same on Bill "An Act Making Supplemental Appropriations to the Department of Health and Welfare for the Provision of Technical Planning, Research and Analysis Capability within the Department of Health and Welfare" (S. P. 168) (L. D. 551)

Committee on Performance Audit reporting same on Bill "An Act to Prevent Abuse under the Aid to Dependent Children Program" (S. P. 154) (L. D. 528)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Committee on Business Legislation on Bill "An Act to Prohibit the Unlawful Piracy and Resale of Recorded Musical Performances" (S. P. 96) (L. D. 352) reporting "Ought to Pass" in New Draft under same title (S. P. 269) (L. D. 855)

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

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

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:

Appropriations and Financial Affairs

Bill "An Act to Appropriate Funds to the State Parole Board for Payment of Appointed Attorneys Representing Indigent Parolees" (Emergency) (H. P. 826) (Presented by Mr. Hughes of Auburn)

Bill "An Act to Provide the State Share of Seed Dollars for Comprehensive Child Care Programs in the State of Maine" (Emergency) (H. P. 830) (Presented by Mrs. Najarian of Portland) (Cosponsors: Mr. McKernan of Bangor and Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Revise the Laws Relating to Financial Institutions" (H. P. 831) (Presented by Mr. Smith of Dover-Foxcroft)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Transfer of Offenders Among Correctional Institutions, Residential Facilities, and Programs" (H. P. 827) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Allow Payment of Unemployment Compensation Benefits During Labor Disputes Caused by Failure of the Employer to Correct Hazardous Working Conditions" (H. P. 825) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Allow Public Utility Rates under Bond" (H. P. 829) (Presented by Mr. Carey of Waterville)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Eliminate the Bureau of Civil Emergency Preparedness" (H. P. 828) (Presented by Mr. Burns of Anson)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Morton of Farmington presented the following Joint Order and moved its passage: (H. P. 808)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mt. Blue High School of Farmington Boys Ski Team Kennebec Valley Conference Champions for the Academic Year 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 Order was read.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am sure you have noticed each day during this last week that a Mt. Blue team was recognized for winning a Kennebec Valley Conference Championship. In deference to this body and to save some time, I have refrained from any comments until this morning.

The team that we are honoring today is the boy's ski team, and I think it is interesting to note in passing that this is the sixth consecutive KVC Title that they have acquired.

The girls field hockey team was undefeated in 27 games in the last two years and winning two consecutive KVC Championships. The girls ski team, this year, won the KVC Championship for the third consecutive time.

Now, no one can take anything away from a state champion. Winning a tournament is winning all the marbles, but I think it is fair to point out that the Mt. Blue Boy's Basketball Team, KVC Champions, won all their games, except two, in regular season and suffered a tournament defeat only at the hands of the ultimate Western Maine Championships. They had singular success against the Eastern Maine Champions in the Christmas Tournament. The boys basketball team had quite a record.

Finally, the Mt. Blue girl's basketball team won all 19 of their regular season games this year and winning the second consecutive KVC Championship and in.

the course of their regular season, they defeated the ultimate championship winners in two games. I think it is pretty interesting. We put a great deal of support here at the state level into education and it is heartening to note the evidence of this broad participation at a high level of excellence of both boys and girls in the various public schools of Maine.

Records have been made and Mt. Blue stands ready to meet the challenges of the future.

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

Mr. Peterson of Caribou presented the following Joint Order and moved its passage: (H. P. 835)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Caribou Vikings Eastern Maine Class A Basketball Champions for the Academic Year 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 Order was read and passed and sent up for concurrence.

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

ORDERED, that Ralph Lovell of Sanford be excused for the Week of March 11 for personal reasons.

Mr. Susi of Pittsfield presented the following Joint Order and moved its passage: (H. P. 836)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Maine Central Institute Preppers of Pittsfield New England Class A Prep School Basketball Champions for the Academic Year 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 Order was read and passed and sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Finemore from the Committee on Taxation on Bill "An Act Concerning Excise Tax Credits on Motor Vehicles" (H. P. 348) (L. D. 432) reporting "Ought Not to Pass"

Mr. Morton from the same Committee on Bill "An Act to Impose a Sales Tax on Advertising Purchased from Newspapers, and Radio and Television Stations" (H. P. 402) (L. D. 491) reporting same.

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide State

Reimbursement of Costs for Prosecuting State Prisoners" (H. P. 105) (L. D. 102) reporting same.

Mr. MacLeod from the Committee on Appropriations and Financial Affairs on Bill "An Act to Compensate Municipalities for Loss of Taxes on State-owned Properties" (H. P. 225) (L. D. 281) reporting same.

Mr. MacLeod from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to the Attorney General for Salary Adjustments (Emergency)" (H. P. 563) (L. D. 691) reporting same.

Were placed in the Legislative Files without further action pursuant to Joint Rule 17-A.

Leave to Withdraw

Mr. Smith from the Committee on Appropriations and Financial Affairs on Resolve, Appropriating Funds for the Maintenance of Ocean Beach at Belfast (H. P. 173) (L. D. 194) reporting Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Leave to Withdraw Covered by Other Legislation

Mr. Gauthier from the Committee on Judiciary on Bill "An Act Restricting the Use of Personal Recognizance as Bail to Persons Committing Misdemeanors" (H. P. 297) (L. D. 347) reporting Leave to Withdraw as covered by other legislation.

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Require Restitution by Offenders whose Cases have been Continued for Sentence and who have been Placed on Probation" (H. P. 300) (L. D. 350) reporting same.

Mr. Perkins from the Committee on Judiciary on Bill "An Act Reducing the Maximum Age of a Juvenile Offender to 16" (H. P. 368) (L. D. 462) reporting same.

Mrs. Kany from the Committee on State Government on Bill "An Act Relating to the Issuance of Motor Vehicle Registrations by Municipal Tax Officers" (H. P. 152) (L. D. 238) reporting same.

Reports were read and accepted and sent up for concurrence.

Referred to Committee on Veterans and Retirement

Mr. Cooney from the Committee on State Government on Bill "An Act Relating to Restoration to State Service" (H. P. 517) (L. D. 635) reporting Refer to Committee on Veterans and Retirement.

Report was read and accepted, the Bill referred to the Committee on Veterans and Retirement and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Susi from the Committee on Taxation on Bill "An Act to Reduce the Annual District Tax on Maine Forestry District Property Due to Increased Valuation" (H. P. 373) (L. D. 467) reporting same in New Draft (H. P. 833) (L. D. 960) under same title and that it "Ought to Pass"

Mr. Cooney from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution Decreasing to \$40,000,000 the Limitation on Legislative Authority to Insure Payment of Loans to Industrial, Manufacturing, Fishing and Agricultural Enterprises for which Payment the Legislature may Appropriate Moneys or Issue Bonds, or

both, on Behalf of the State (H. P. 50) (L. D. 62) reporting "Ought to Pass" in New Draft under New Title, Bill "An Act to Decrease the Insuring Limitation on Certain Programs of the Maine Guarantee Authority" (H. P. 832) (L. D. 959)

Mr. Carpenter from the Committee on State Government on Bill "An Act Relating to the Issuance of Motor Vehicle Registrations by Municipal Tax Officers" (H. P. 182) (L. D. 239) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Issuance of Motor Vehicle Registrations by Municipal Officials" (H. P. 834) (L. D. 961)

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

Ought to Pass Printed Bills

Mr. Drigotas from the Committee on Taxation reporting "Ought to Pass" on Bill "An Act Designating the Bureau of Taxation as the State Revenue Bureau and to Correct Errors and Inconsistencies in the Property Tax Laws" (H. P. 110) (L. D. 156)

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

Mr. Drigotas from the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Impose a Sales Tax on Rental Fee for Cable T.V." (H. P. 126) (L. D. 159)

Report was read.

(On motion of Mr. Jacques of Lewiston, tabled pending acceptance of Committee Report and specially assigned for Thursday, March 13.)

Mr. Drigotas from the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Eliminate Certain Sales Taxes to Patients in Hospitals" (H. P. 378) (L. D. 471)

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

Ought to Pass with Committee Amendment

Mr. Smith from the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-63) on Bill "An Act Appropriating Funds for the State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm Control" (Emergency) (H. P. 560) (L. D. 689)

Report was read and accepted, the Bill read once, Committee Amendment "A" (H-63) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Relating to the Authority of Bail Commissioners" (H. P. 263) (L. D. 310)

Report was signed by the following members:

Messrs. CLIFFORD of Androscoggin
COLLINS of Knox
MERRILL of Cumberland
— of the Senate.
Messrs. HUGHES of Auburn
HENDERSON of Bangor
BENNETT of Caribou
HOBBINS of Saco
SPENCER of Standish

Mrs. MISKA VAGE of Augusta
— of the House.
Minority Report of same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-61) on same Bill.

Report was signed by the following members:

Messrs. McMAHON of Kennebunk
HEWES of Cape Elizabeth
PERKINS of South Portland
GAUTHIER of Sanford
— of the House.

Reports were read.

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

Mr. BENNETT: Mr. Speaker, I move that the "ought not to pass" report on L. D. 310 be accepted.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: What this bill does, the bail commissioner shall not be authorized to admit to bail any person under arrest for a bailable criminal offense where such offense is alleged to have been committed while the person charged was on probation or parole from a previous sentence or a felony conviction. Such persons may be admitted to bail only by a Justice of the Supreme Judicial Court or of a Superior Court or by a Judge of a District Court and only after his personal appearance before such a judge. I move you reject the "ought not to pass" majority report and vote and accept the minority report "ought to pass."

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill which I have presented to the 107th Legislature and I would like to give some background for the reason.

Somewhere around January of this year, the county commissioners of Washington County, because of our problem of rural crime — and it is a major problem in our county, as it is in almost every county of the state now — called a meeting of the public and around 250 to 300 people appeared because they are very concerned that their establishments, their homes, their camps, etc., are being broken into and there seems to be no checkmate, on this no matter how many police officers we have, no matter how much training we give them, no matter how much money we spend on law enforcement, there is continuously more and more rural crime, breaking and entering and also the selling of illicit drugs.

One of the ideas that came out of that meeting which was widely accepted was that many of these repeat criminals, repeat felons, continuously commit a crime, they are arrested by a police officer, and then the next thing you know, they are bailed out and they are out on the streets again. Then they commit another crime, another felony, they are arrested. The next thing you know, they are put out on bail again and they have almost freedom of movement. Somehow, something has got to be put into our law structure that will change this. One of the approaches that was taken, and it is that these repeated felons be not allowed on bail until they are allowed out by a judge of the State of Maine. The thinking behind this is that the judge of the State of Maine is really captain of the ship. If there is a lot of crime in Maine, I am quite certain the man who does the sentencing is somewhat

responsible. He is also a very highly paid and qualified man, and if he comes to having a repeated felon brought before him and he sees it is a problem to society, a problem that another camp will be broken into, another place robbed, then he makes the decision whether this man is to be put on bail or not. I think that responsibility belongs with the judge in this type of criminal case. Therefore, I would ask you to vote against the motion that this bill "ought not to pass" and I would now ask for the yeas and nays.

I hope that I have explained my reasoning of why this bill is needed. It is more than just Washington County. I remember Representative Greenlaw in the last session flying 5,000 signatures that people had signed in Hancock County of their rural problems. Anywhere you go or read your news media, today it is a major problem in Maine and that is breaking and entering and we have got to put a stop to it, and one way is get these repeats from just going out on bail very easily, because they have money. There is money in this business, there is no overhead. I hope you will go along and vote no to the "ought not to pass."

The SPEAKER: The gentleman from Calais, Mr. Silverman, has requested that when the vote be taken, it be taken by the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I also would like to recommend to you that you do not accept the "ought not to pass" report.

The last legislature authorized the Legal Affairs Committee to hold hearings over the state of which I took part in this last summer. We held hearings in Skowhegan, Eastport, and many other places, and this is one of the things we found above all, that these people who are breaking in, while they are on probation they make another break. This goes on and on. It seems they get arrested, then they go break into another place so they can get some easy money to pay their fine for their first offense.

It was the thinking of everyone in law enforcement that we talked to from Bar Harbor, Ellsworth especially, and Skowhegan and these places where we held hearings, that this bill should pass. I support it because of the many requests that we had all over the state from law enforcement and people in that area. They should know what they are talking about, and I hope that we will eventually accept the minority report. I hope you will go along with this.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This was a bill that was not considered lightly by the Judiciary Committee. It was one that was taken into consideration and taking into account the very real problems of rural crime and the general problems of this sort in the state and other areas.

Too often, I think we have a tendency to try to solve one problem by maybe causing others and maybe by infringing upon some of the basic constitutional rights that all of us are concerned about. I think the very same people who are concerned about people who violate people's rights as far as breaking into their camps are concerned may be the same people who would be up in arms if we took away some of our basic restrictions or basic freedoms, such as presumption of innocence until proven

guilty, the right to bail, the right to a fair procedure under our laws and that, if taken away, if eroded, could be much much more serious than property damage that might occur.

I think there are various other ways of solving this problem. The basic problem, it seems to me, is that people who are accused of crimes are not given a speedy trial and a speedy conviction if found guilty — that is the problem. How do we solve that problem? Do we solve it by infringing upon your and my rights of bail, not because they have committed two offenses but because they have been accused of committing two offenses — that is what this bill says. This bill says that if you have been accused of committing an offense and you are innocent and you are out on bail and someone accuses you again of committing an offense, then (Mr. Perkins says I am wrong and if I am, maybe he can correct me on that) it seems to me, if that is the case, then that is a serious problem.

I think the basic issue is whether we can improve our court system, and among other things we have before us comprehensive recommendations on streamlining the court system, making the administration of justice more adequate to meet this need and I think that is the way we ought to proceed and not by eroding away the principles of bail.

Another point I would like to make is that the major purpose of bail is something we ought to keep in mind. The major purpose is to make sure someone shows up for a trial, that is the key question. If a person can be given a personal recognizance and say yes, he will show up on a certain date and he does, that is the idea. It is not to keep people off the streets because they might commit another offense of which they may or may not have been convicted. If we do not allow the personal recognizance or require more stringent measures, it is really going to mean that those people who have the lawyers and have the money and the capabilities are still going to be able to go back on the street or into the rural areas and do whatever they are doing. It is not going to restrict that for the people who have got the resources.

I have a feeling that this kind of bill is trying to attack the problem in the wrong way and if we go down this way, we may omit the real problem.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Just one moment, ladies and gentlemen, it is my understanding that this doesn't deny bail to anyone, this bill. It makes the second bail a little harder; they have to get it from a judge, and I think bail is coming too easy. For \$10 you can get bailed anytime, and I think it is time the second one should be a little more difficult to get.

I am sure we have very good judges in this state. I have the highest regard for all of them. I am sure if the person is deserving of bail, he will get it. The only difference is that he will have to go to the judge rather than just go to the bail commissioner. This is the way I understand the bill.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman from Bangor, Mr. Henderson, I would simply point out again that bail is not being denied by this

amendment. In the case where a person is on probation or parole and that person commits a crime, then that person would be governed by the limitations in this amendment. That person, however, is not automatically denied bail, he or she would only have to be granted such by a judge.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: In reply to my good friend, Mr. Henderson, who is on the Judiciary Committee with me, I would like to say to him that this bill does not say they are going automatically on bail; it says that the commissioner on the second bail of probation cannot give this probation, it has to be before the judge in court. And I am sure that through the judges, the people of this state will be much more taken care of than they would be under the commissioners.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to say something like the Governor, I have been listening to the drumbeat of a lot of people in my area, and they are really disturbed in regards to all of this breaking and entering that is going on.

I think this measure is a good thing. It is going to slow up some of these people who are already on probation and the people afterwards will feel that the judges have done their part because they will know that they have already been bailed out once and that while they were on probation, they haven't been cured. So perhaps that will be something the judge will have to take into consideration, because he will know that if they hadn't behaved as they should have behaved in the first place, their sentence will be much stiffer. I think the Representative from Calais, Mr. Silverman, is very right in his motion.

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

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: As a practicing attorney, I feel that our judges here in Maine are already unduly burdened by administrative duties. I don't think we have enough judges to practically take care of this bill and, as a matter of fact, many of the courts only meet one day a week and these people would be incarcerated and off their jobs, etc. until that judge could get in. Also, I don't know how happy the judges will be about being awakened in the middle of the night and at other times.

I recommend that we defeat this bill.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of points that I would like to bring up, I don't know where the gentleman from Enfield, Mr. Dudley, is getting his facts from, because I don't know if anyone can get bail for \$10. I was thrown in jail a couple of years ago because my dog wasn't licensed and it cost me more than \$10 to get out.

The other thing I think we are missing here is the fact that when someone gets out on bail for the first time, as the gentleman from Kennebunk, Mr. McMahon has pointed out, and commits another crime, aren't we saying that this man or woman is guilty? Aren't we denying his rights right off the bat before he even goes to court? Isn't that a denial of right right off the bat? Isn't he presumed guilty before he even

goes to court? I think we should think about that.

I would also like to pose a question through the Chair to the sponsor of this piece of legislation, Mr. Silverman, from Calais. Does he have any statistics to substantiate his belief that there are a great many people who are bailed out that recommit a crime, and what is the difference between that and the fact that somebody might be bailed out for the first time and never goes back? Does he have any statistics on it?

The SPEAKER: The gentleman from Portland, Mr. Talbot, poses a question through the Chair to the gentleman from Calais, Mr. Silverman, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: The first thing I would like to answer is the constitutional part by Representative Henderson. I think he knows, too, that this bill is constitutional. By all means it is constitutional because nobody is being sentenced, it is just a procedure on our bail structure is being used.

As far as the Representative from Portland, Mr. Talbot, I think that anyone who has studied the field of crime in Maine will find one thing, the weakest part of our system is our records. It is almost impossible to find a permanent set of records in the State of Maine on people that you could put your finger right through and say, this is their record, this is the number that committed such and such a crime, this is where they were arrested, this is their repeat performance — there isn't. Maybe someone should put a bill in this State for a centralized computer office for the criminal statistics in the State of Maine. I see a similar thought come into this House and was astoundedly defeated.

It is a very touchy area. Going back to the bill, today we have a major problem in Maine in rural crime. We can brush it under the rug and have more and more places robbed, broken into. We can brush it under the rug and have people who are inclined to rob and be thieves continue to rob and be thieves, and you are not helping them at all, or we can do what this bill says and put the responsibility on the judges of this State so that he will be more responsible in protecting society. This is the one thing my opponents haven't said. Protecting society is the reason for law and order, not protecting criminals.

With that, I hope you will vote no to the motion.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I sympathize very much with the people who live in the outlying areas and I also sympathize with the people who are living in our cities that are robbed for one reason or another and I will be the first to stand up if I feel that a bill comes before this House that will take care of that situation in any way.

I have always been under the impression that somebody is innocent until proven guilty and with that premise, Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed. I request that this be taken by the yeas and nays.

The SPEAKER: The gentleman from Portland, Mr. Talbot, has moved that this bill and all its accompanying papers be indefinitely postponed and when the vote is taken, he requests a roll call.

The Chair recognizes the gentleman

from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I was the last person on the Judiciary Committee to sign this report, and I held it up for a week because I wasn't sure as to what the proper response to this bill was. I hear in Standish, Baldwin and Gorham the drumbeat referred to by Mr. Dudley, and I think that the public is insisting on stronger punishment and swifter punishment. I don't feel, however — and I have done some research to back this up — that this bill addresses itself in any way to the problem which it is designed to correct. It will not assist in preventing rural crime.

The right to bail is constitutionally guaranteed. The purpose of bail is simply to assure that a criminal or that a person charged with a crime will appear for his trial. At the present time in Maine, bail can be granted either by bail commissioners or by judges.

I spoke with Judge Glassman of the superior court, who I believe is generally recognized as one of the toughest judges on the court in criminal cases, and it was his feeling that at the present time the bail commissioners are actually tougher in granting bail than the judiciary because they are not as schooled in the statutes establishing the authority to grant bail and the conditions for it. By requiring that a judge be the one that grants bail, I think all we are doing is adding to the burden of the judiciary and in the counties where there are no judges available, we are requiring that either the people spend three or four days in jail for a crime of which they have not been found guilty, or we are requiring the sheriff to drive them down to the nearest superior court judge, who may well be in another county.

I think that the concern of the Rural Crime Committee is very real. I think we have got to improve the administration of justice. I think that there is a general feeling in the state that the punishments have not been severe enough. But this bill simply does not address itself in an intelligent and constructive way to that problem, and I think that it will create further burdens on the courts which will further inhibit their ability to deal with the problems they are supposed to be solving. I think, in short, it is not a constructive solution to this problem, which I recognize as a very real problem.

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

Mr. JOYCE: Mr. Speaker and Members of the House: I feel that this strictly is a law enforcement matter, and I feel I would be remiss if I did not rise to support this bill.

The gentleman from Calais is so right in his explanation. I will disagree with some of the speakers here today. The Rural Crime Study pointed to judge shopping. The results, bail commissioners shopping. These people operate on a fee, \$5, til 8:00 p.m.; \$10 after 8:00 p.m. They are not trained in the law as a rule and do not go into detail when bail is asked.

I think this is a reasonable bill. I don't think that this would offend the many thousands of my former customers that I dealt with over the 30 years in law enforcement, and I ask that you support this bill.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: Just a few short remarks, one in response to my friend Mr.

McMahon's comment, and I do mean that in no phony way at all. I think the amendment does say that bail may not be offered in the traditional manner if one is alleged to have committed a felony while being released on personal recognizance.

Among other reasons, I think that is one of the points. I think I am not in error, but I may be corrected, if you are on bail, you have been accused of something, you are on bail and you are accused again for a felony, in that case you may not get bail from the bail commissioner. You must get it from a court. At that point, we have to consider the time involved, not only for the court but for the individual. The bail commissioner is likely to come to the jail, but if you are not near a district or superior court judge or someone is not available, that means a lot of traveling, again, if we are going to preserve at least the right for a timely consideration of bail. I think Mr. Silverman made the point which I think would strengthen the argument "ought not to pass" as the records are not clear in this respect throughout the state. People do not know what those records are. The question is, will a certain person be held up until someone who has a feeling that he is out on bail will check it out or will that add to more confusion?

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Spencer mentioned to you that we would burden the courts with this bill. I think the people need more protection than burden at the present time. We have this one before Judiciary Committee hearings on the new criminal code. This new criminal code is to make it much easier for the judges in some way to lessen the work in the courts. Let's protect the people.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would just like to correct what I think is a misunderstanding here this morning. The regular session of the 106th Legislature passed a bill which created a uniform crime reporting system in the state, and that system is presently functioning within the Department of Public Safety. I am not sure that the information and statistics are complete, but it appears to me that members of this legislature could avail themselves of that service and perhaps we might have a more complete understanding of the problem that is before us today.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Men and Women of the House: I think we all share this frustration which we hear expressed here today with the need for better justice in the State of Maine.

I would suggest that there are two ways to deal with criminals and to deal with them effectively. One is through good police work, and there are bills before us in this session which would speak to that issue. The other is through a fast, speedy trial in our court system.

Presently the superior courts in the State of Maine are falling behind in the criminal caseload before them. In fact, the criminal load in Androscoggin County, for example, is so heavy that they haven't heard a civil case in Androscoggin County since last spring.

We have bills addressed to our committee under discussion now which will address these problems. We have a new criminal code which will go a long way in straightening out the method by which we handle these cases. We have a new traffic code proposed which will take a lot of the traffic cases which are now criminal matters and make them civil matters and make them handled in a more efficient manner. We have a bill addressing the transfer problems of trials from the district court level to the superior court level, the present law of which has been one major reason that the superior courts are so clogged. Finally, we have an important bill before you, which is the state take-over of the financing of the superior courts and of the clerks of courts of the respective counties. Those bills will do something to attack the problem with which we are all so frustrated. This bill, as we have heard, will do very little. I urge that it be defeated.

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

Mr. SPENCER: Mr. Speaker and Members of the House: I think one problem that is a very severe problem that a lot of the concern that is being directed toward this bill actually ought to be focused on is the current operation of the parole system. It is my understanding that over 90 percent of the people who commit felonies are put out on probation as soon as they become eligible. If the judge's sentence is from one to five years, over 90 per cent are out in less than a year. I think this is part of the problem.

I think the problems that Representative Hughes has mentioned are problems with the courts, but this bill simply does not address itself to protecting the public. It simply compounds the problem that the courts now have.

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

Mr. PERKINS: Mr. Speaker and Members of the House: We have got a very heavy schedule today, so I don't like to prolong this. However, I just wanted you to know that my silence was not a change in position. In respect to whether this does or does not protect the public, it certainly gives some strength to protection of the public.

It says in simple terms that if an individual is arrested for a felony while pending trial for a felony, he will be taken before a judge before he will be bailed. Secondly, if he is on probation and parole, the same would apply, and for that reason alone, I think we as citizens of this state are justified in expecting that sort of protection.

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 Portland, Mr. Talbot, that Bill "An Act Relating to the Authority of Bail Commissioners," House Paper 263, L. D. 310 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, P. P.; Carpenter, Clark, Connolly, Cox, Curran, P.; Davies, Farley, Goodwin, H.; Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jackson, Jensen, Kany, Kelleher, Kennedy, LaPointe, Laverty, LeBlanc, Mahany, Martin, R.; Maxwell, Miskavage, Mitchell, Najarian, Norris, Peakes, Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Snow, Spencer, Susi, Talbot, Tierney, Tyndale, Wagner, Wilfong, Winship, The Speaker.

NAY — Ault, Bagley, Berry, G. W.; Berube, Binnette, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carroll, Carter, Chonko, Churchill, Connors, Cooney, Cote, Curran, R.; Curtis, Dam, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, K.; Gould, Gray, Greenlaw, Higgins, Hunter, Hutchings, Immonen, Jacques, Joyce, Kauffman, Kelley, Laffin, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lunt, Lynch, MacEachern, Mackel, MacLeod, Martin, A.; McBreairty, McKernan, McMahon, Mills, Morin, Morton, Mulhern, Nadeau, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rollins, Saunders, Shute, Silverman, Smith, Snowe, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Usher, Walker, Webber.

ABSENT — DeVane, Hewes, Hinds, Jalbert, Lovell.

Yes, 50; No, 96; Absent, 5.

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

The pending question now before the House is on the motion of the gentleman from Caribou, Mr. Bennett that the House accept the Majority "Ought not to pass" Report.

Thereupon, Mr. Silverman of Calais withdrew his request for a roll call vote.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Caribou, Mr. Bennett, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 87 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-61) was read by the Clerk and adopted and the bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Relating to the Statewide Open Deer Season" (H. P. 191) (L. D. 223)

Report was signed by the following members:

Messrs. McNALLY of Hancock
GRAFFAM of Cumberland
of the Senate.
Messrs. USHER of Westbrook
TOZIER of Unity
MARTIN of St. Agatha
DOW of West Gardiner
WALKER of Island Falls
KAUFFMAN of Kittery
PATTERSON of Caribou

MILLS of Eastport

— of the House.

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

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Messrs. CHURCHILL of Orland

MacEACHERN of Lincoln

— of the House.

Reports were read.

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

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

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion made by the gentleman from Eastport. I feel that we should have a statewide open season on deer. I believe that we have given the tools to the Commissioner of Fish and Game, if any particular area is overhunted, that they have the authority now to zone it off. I feel it is very unfair the way the system is being operated. I voted before against zone systems in this state. I feel it would be a lot fairer to the hunters and probably to the deer as well to neutralize a concentrated area where hunters are.

I do oppose the motion made by the gentleman. And as I said before, if any particular area in this state is overhunted, the commissioner has the authority now to zone it out. I oppose the motion.

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 not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

99 having voted in the affirmative and 24 in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Remove District Court Jurisdiction over Non-criminal Acts Committed by a Juvenile" (H. P. 350) (L. D. 434)

Report was signed by the following members:

Messrs. CLIFFORD of Androscoggin

COLLINS of Knox

MERRILL of Cumberland

— of the Senate.

Messrs. HUGHES of Auburn

SPENCER of Standish

HEWES of Cape Elizabeth

McMAHON of Kennebunk

GAUTHIER of Sanford

BENNETT of Caribou

HOBBINS of Saco

Mrs. MISKAVAGE of Augusta

— of the House.

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

Report was signed by the following members:

Messrs. HENDERSON of Bangor

PERKINS of South Portland

— of 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 "Ought not to pass" Report.

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I look at the Minority "Ought to pass" Report today, and I realize it is a pretty formidable number of members of the committee that were against this bill. But I feel as though as the sponsor of this measure that I would be remiss if I didn't try to briefly explain to the legislature why I sponsored this piece of legislation and why I feel that it is a good bill.

Basically, this piece of legislation, An Act to Remove District Court Jurisdiction over Non-criminal Acts Committed by a Juvenile, merely removes the power of the district court to deal with so-called status offenses committed by juveniles. For those who are not in the legal profession that do not know what status offenses are, these would include such offenses as truancy and running away from home and incorrigibility and other things of this sort.

I feel that the court system should be just that. It should deal with the criminal. It should deal with people who have committed crimes. It seems to me that when we take juveniles and we place them in a court atmosphere — and by the way, this recommendation is one of the recommendations of the Governor's Task Force on Corrections, which will agree with me — we are labeling a youngster as a juvenile delinquent, and I think that we are really doing something that is counter productive.

Many of these children have very deep-seated problems, children that run away from home, children that don't go to school. We have to deal with these problems. We have to get at the root causes of these problems. It is a very sad thing to me, and I think we are only compounding the problem and making it worse for these youngsters by putting them in an atmosphere and labeling them as juvenile delinquents.

As I understand it, this is done at present, and passage of this bill will make no difference whatsoever. As I understand it, juveniles can still be picked up by the police on charges of truancy and such status offenses, and in most instances the police will contact the Department of Health and Welfare or some suitable agency and they will try to place these youngsters. They will try to find out what their problem is and deal with it.

I think you should seriously consider this, and I would hope today that in spite of this report that you have in front of you, that you will go along with the minority "ought to pass" report on this bill.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: As Mr. Mulkern told you, the majority was overwhelmingly in favor of "ought not to pass" on this bill.

What this bill does, ladies and gentlemen, on any minor offense that a

juvenile would commit, this removes the jurisdiction from the juvenile court and more or less leaves it up to the arresting officer to decide what to do with the juvenile. I ask you, ladies and gentlemen of the House, do you feel that the juvenile court is better equipped to help a juvenile than the arresting officer?

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

Mr. JOYCE: Mr. Speaker and Members of the House: I rise to support this bill. I have dealt with many juveniles. Believe me, the first arrest might be effective, but after that, you have a problem with juveniles, and if you can avoid that first court appearance, I think you are going to accomplish an awful lot in the criminal justice system, especially for the juveniles. I support this bill.

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

Mr. LAPOINTE: Mr. Speaker and Members of the House: I would like to pose a question through the Chair, if I may, primarily in response or in reaction to the gentleman from Sanford remarks about the jurisdiction of the district court over these juvenile offenses.

As I understand the provision of the proposed legislation before us it deals with those offenses as Representative Mulkern has pointed out that are commonly referred to as status offenses. Now, in the Regular Session of the 106th we passed a bill that related to the commitment of juvenile offenders vis a vis these so called status offenses.

My question is, does not this bill only deal with status offenses?

The SPEAKER: The gentleman from Portland, Mr. LaPointe poses a question through the Chair to any member who cares to answer.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to representative LaPointe's question, this bill does concern itself solely with status offenses which are habitual truancy, run away, danger of falling into vice, and incorrigibility. The effect of this bill would be those four juvenile offenses which are not adult crimes that jurisdiction for those four offenses would be removed from the juvenile courts.

I signed the majority "Ought not to Pass" report on this after doing some research and I went down and talked to the juvenile officers or the probation and parole officers in the district court who also serve the juvenile court and their concern was that if the district court did not have jurisdiction over these offenses they would be unable to respond when a child's parents came to them and said, all right, my thirteen year old has run away from home, he is crashing on State Street with a group of acid heads, what can you do about it? At present the child can be picked up, brought before the juvenile court. The juvenile court can get the parents there, get the Social Service people there and try to figure out the best disposition for the child, and the court can order the child to participate in whatever program is developed. If the jurisdiction were removed from the juvenile court you would be eliminating the court's ability to do that without substituting any other set of procedures that would be able to deal with this problem, and for that reason I feel that the bill "Ought not to pass".

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: As I understand this bill and the Governors Task Force people that asked me to sponsor this, as I said before, there is already a means as to whether this bill passes or not, where the police would still have this jurisdiction to pick up juveniles and to refer them to a suitable agency. Again I would reiterate, I think that we have to begin to make a clear distinction between criminal and non-criminal. The purpose of our court system in this country is to deal with criminal acts. I think when you put a juvenile into a court such as the district court, automatically you are in effect labeling that person a juvenile delinquent.

Now, lets think of this in another aspect, as the task force has pointed out, so many of these people that are labeled juvenile delinquents start out this way, they end up in the district court, and they become worse, and they end up in institutions. I have one figure here that shows for instance, that females at the Stevens School cost the Maine taxpayer around \$70,000 a year. It seems to me that our priorities are wrong, we should be spending this money in some other way to try to rehabilitate the people. We just seem to be going on a course that is leading many of these youngsters inevitably into crime, and I think this has to change.

I forgot to do this, the main reason I got up to speak again was that I would like to request a roll call.

The SPEAKER: The gentleman from Portland, Mr. Mulkern, has requested a roll call.

The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: Not to belabor the subject, but I wanted to thank the gentleman from Standish, Mr. Spencer for his answer to my question.

I think the issue here is probably one of philosophy perhaps more than anything else. The underlying assumptions which caused the 106th Legislature or the underlying assumptions that acted as a catalyst for the 106th Legislature to pass this act relating to the commitment of juvenile offenders vis a vis status offenses was one of trying to deal with the question of unmet social needs. The question, I think, that is logically being addressed in this particular bill before us this morning, is whether or not an unmet social need that precipitates such behavior as truancy, running away, and some of the other categories that are related in status offenses should be dealt with by the judicial system.

I happen to believe, in all candor, that they shouldn't be. Unmet social needs have to be dealt with by another structure. I realize, on the other hand, that this issue is a very complex one and that it cannot be dealt with very simply by legislative fiat, and the problem that Mr. Spencer and the other members of the committee dealt with in signing the report the way they did reflects that complexness. Furthermore, that complexness or complexity is reflected in the numbers of the bills that are before this session of the Legislature relative to juvenile law. I think, if I may repeat one more time, the question is philosophically and logically should unmet social needs be met by the judicial

system? I happen to believe not, and I hope that you will vote for the minority report.

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 Sanford, Mr. Gauthier, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Remove District Court Jurisdiction over Non-criminal Acts Committed by a Juvenile," House Paper 350, L. D. 434. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Chonko, Churchill, Connors, Cooney, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Finemore, Fraser, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Hall, Hewes, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Kany, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lewis, Lizotte, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McMahan, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde; Rollins, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Webber, Wilfong, Winship.

NAY — Bachrach, Blodgett, Boudreau, Bustin, Clark, Connolly, Cote, Cox, Curtis, Doak, Faucher, Flanagan, Goodwin, K.; Greenlaw, Henderson, Hennessey, Ingegneri, Jacques, Joyce, Kelleher, LaPointe, Leonard, Mulkern, Norris, Perkins, S.; Shute, Talbot, Truman, Usher, Wagner, The Speaker.

ABSENT — Binnette, Carter, Dudley, Fenlason, Higgins, Hinds, Jalbert, Littlefield, Lovell, McKernan, Teague, Walker.

Yes, 108; No, 31; Absent 12.

The SPEAKER: One hundred eight having voted in the affirmative and thirty-one in the negative, with twelve being absent, the motion does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act Relating to the Definition of Restaurant under the Liquor Laws" (H. P. 532) (L. D. 650)

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
TWITCHELL of Norway
LIZOTTE of Biddeford
RAYMOND of Lewiston
JACQUES of Lewiston
MAXWELL of Jay

PIERCE of Waterville
FAUCHER of Solon

— of the House.

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

Report was signed by the following members:

Messrs. IMMONEN of West Paris
PERKINS of Blue Hill

— of the House.

Reports were read.

On motion of Mr. Maxwell of Jay, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Remove the Town of Medway from the Maine Forestry District" (H. P. 228) (L. D. 284)

Report was signed by the following members:

Mr. JACKSON of Cumberland

— of the Senate.

Messrs. FINEMORE of Bridgewater
DAM of Skowhegan
MAXWELL of Jay
TWITCHELL of Norway
COX of Brewer
IMMONEN of West Paris
MULKERN of Portland

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

Report was signed by the following members:

Messrs. WYMAN of Washington
MERRILL of Cumberland

— of Senate.

Messrs. SUSI of Pittsfield
MORTON of Farmington
DRIGOTAS of Auburn

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I move that the Minority "Ought not to Pass" Report be accepted.

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, moves that the Minority "Ought not to Pass" Report be accepted.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am surprised that we are moving here to accept an "Ought not to Pass" Report which is a minority report.

I would like to report to you on this special little bill this morning, that if you would turn to your L. D. 284 and look it over you will find that the only organized town left in that group of municipalities under 1201, you will find the only one left as an organized town is Medway the others are Drew Plantation, Grand Falls Plantation, Lakeville Plantation, Plantation, and Webster Plantation. This town alone is an organized town with a population of 1,500 people which I believe is the greatest population of any one town still under the fire district of Maine Forestry District. The Maine Forestry District is a group that flies plains over to protect the wildland. At the present time the town of Medway has two fire engines of their own, both pumps. They also have an auxiliary pumper that was furnished by the Maine Forestry District. They are paying ten thousand dollars plus, I can't remember the exact figures, but it is ten thousand

plus to the State each year under the Maine Forestry District, and of course they would be — if a regular town, like my town or any other small town, they would be reimbursed to fight fire within their town by the state, and I think that at this time it is about high time that we took some of these that have become organized towns who are paying for schools, who are paying for roads and highways, which the plantation, most of them does not do, these are cared for by the state, that they should be relieved from this cost. I hope that you will reject this "Ought not to Pass" Report and go along with the Majority Report, "Ought to Pass".

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This is an exemption bill of a little different sort, but still, it is an exemption bill. Any time that a person or community or group of communities comes down to us here in the Legislature and ask for an exemption from a tax or some taxes it isn't difficult for these people in the communities to generate some appeal for their cause because it is a fact that most taxes are burdensome. But, when we do grant exemptions to an individual or community or whatever the practical effect of it is to shift the burden to the balance who we haven't granted this concession to so that the tax just becomes more burdensome to those who are still bearing.

This particular bill deals with the Maine Forestry District Tax and as has been explained the Maine Forestry District is established principally to furnish fire protection for what we generally refer to as the wildlands of Maine. The wildlands include some areas that are Plantations and Organized Townships and typically, when a bill such as this, and we have had a great many of them before the Legislature, asking for this same sort of treatment this bill calls for comes before us, it is due to the fact that some area develops some fire fighting capability usually by getting a used fire truck and some indian pumps and what not and they come down here then and ask us for relief from the Maine Forestry District Tax on the pretense that they have the capability now to handle their own fire fighting needs.

Should we grant this exemption from the Forestry District Tax the effect would certainly be to relieve the burden on the particular community, in this instance, Medway, shift the load that they are now carrying on to the balance of the communities and townships who wouldn't be having this exemption and, as far as I can make out, the Maine Forestry District would still have the responsibility of protecting the forests within this township in case of a serious fire. So, I feel that this is an exemption bill that shouldn't receive passage and I would hope you would support the "Ought not to Pass" Report.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope today that you would vote to oppose the motion to accept the "Ought not to Pass" Report so as motion could be made to accept the "Ought to Pass" Report.

I think the good gentleman from Bridgewater, Mr. Finemore, has done a good job in explaining what the town has for equipment, but there are some items that he left out. He did state that the town had two trucks of their own and one

supplemented by the state, this is true. Now, these two tank trucks with pumps that the town owns, one is a one thousand gallon truck, the other is a two thousand. The town also owns a mobile pump, 24 indian pumps, they have a 20 man volunteer fire department. The town of Medway also has a town manager even though he is young, he is very capable. I do not think there is any support generated that was not needed that might have been implied by the gentleman from Pittsfield, Mr. Susi, because I feel the town manager looked at the situation as it existed in Medway and this was what governed his action coming down to testify on the bill. It is true there would be a loss of revenue to the state, but again, as my good friend from Pittsfield puts the words in, townships and communities, again I would like to refresh your memory as to what Mr. Finemore said that this is an organized town. This is a town just like any town that we come from. I feel it is very unfair to put a burden on a municipality when they have gone out and set up their fire department, they have their own town government and then they have the State of Maine come in and start assessing them for things that they could do much cheaper and maybe much better on their own.

So, I would hope today that we would oppose the motion against the "Ought not to Pass" and accept the "Ought to Pass" Report.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: To change a little what the gentleman from Pittsfield, Mr. Susi, has said, this will not change the rate of the other towns because it is a set rate.

Another thing he mentioned about the state coming in to fight the fire, in every organized town in this state, including the town of Pittsfield, if there was a fire in wildland, the state helps fight it. They reimburse the town of Pittsfield if it happened to be the town of Pittsfield, they reimburse them for the use of their equipment plus the cost of their men. In excess of their needs if there is a town in the county that has the means right there possible to fight the fire with and the things that they need, it is the little town of Medway. They have improved and as the gentleman from Skowhegan, Mr. Dam, has said they have a very well formed town business, they have an excellent town manager and they are doing an extra fine job.

We have taken some out, we have taken some organized towns out of this in the past years. This isn't the first time this has been up here. We have turned a few down, but in the organized towns they all pay as I said, they all pay a road tax, they all pay a school tax, they are paying their fair share of taxes in the State of Maine, but in the unorganized towns they aren't paying for big road tax and big school taxes, it makes quite a difference. Again, I would hope you will go along to defeat the motion "Ought not to Pass".

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

Mr. MULKERN: Mr. Speaker and Members of the House: I feel as though I probably should add something very briefly since I am one of the signers of the Majority Report. Again, I would like to corroborate the testimony given here by the gentleman from Bridgewater, Mr. Finemore, and the gentleman from Skowhegan, Mr. Dam.

It seemed to me that the town manager of Medway presented his case very well, it seemed to me that there was adequate provision for fire equipment and I think in this time where many communities are being fire equipment and I think in this time when many communities are being squeezed to death by the high prices and the possibility of additional funding on them for education and all of these other things, I think this little exemption will go a long way toward helping a small community like this one. I hope you will go along with the majority "ought to pass" report.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: One quick word to defend my vote in the committee in favor of the "Ought not to Pass" report. If I recall the figures correctly, the wildlands pay approximately 85 percent of this wildland's tax in the town of Medway. It is the built up section that is roughly only 15 percent.

The SPEAKER: The pending question before the House is on the motion of Mr. Drigotas from Auburn that the House accept the Minority "Ought not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, on the motion of Mr. Finemore of Bridgewater, the Majority "Ought to Pass" Report was accepted. The Bill was read once and assigned for second reading tomorrow.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a parliamentary inquiry through the Chair in regard to this bill?

The SPEAKER: The gentleman may pose his inquiry.

Mr. GREENLAW: Does this bill comply with Joint Rule #12, which states that a Fiscal note effecting loss of revenue requiring appropriations be on the bill?

The SPEAKER: The Chair would advise the members of this House that there is no fiscal note and the Chair would advise the members of the Taxation Committee that tomorrow they should introduce an amendment to satisfy the rule.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-59) on Bill "An Act Relating to Use of Studded Tires on Motor Vehicles" (H. P. 433) (L. D. 544)

Report was signed by the following members:

Messrs. GREELEY of Waldo,
McNALLY of Hancock,
CYR of Aroostook

- of the Senate.

Messrs. FRASER of Mexico,
WEBBER of Belfast,
BINNETTE of Old Town,
JENSEN of Portland,
WINSHIP of Milo,
KAUFFMAN of Kittery,
LUNT of Presque Isle,
Mrs. BERRY of Madison

- of the House.

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

Report was signed by the following members:

Messrs. JACQUES of Lewiston,
STROUT of Corinth

- of the House.

Reports were read.

On the motion of Mr. Fraser of Mexico, the Majority "Ought to Pass" Report was accepted and the bill read once. Committee Amendment "A" (H-59) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-57) on Bill "An Act to Limit the Minimum Wage Exemption for Summer Camp Employees" (H. P. 504) (L. D. 626)

Report was signed by the following members:

Messrs. ROBERTS of York,
McNALLY of Hancock,
PRAY of Penobscot

- of the Senate.

Messrs. FLANAGAN of Portland,
MARTIN of St. Agatha,
LAFFIN of Westbrook,
BINNETTE of Old Town,
TEAGUE of Fairfield,
TIERNEY of Durham,
TARR of Bridgton,
SNOW of Falmouth,
Mrs. CHONKO of Topsham.

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

Report was signed by the following member:

Mr. SPROWL of Hope - of the House.

Reports were read.

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

Mr. TIERNEY: Mr. Speaker, I move the majority "ought to pass" report.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I realize this is a very small minority report, but I am very concerned about this bill and I thought I would like to bring something before the House before the final vote is taken on this report.

Ordinarily, I do not like to speak from notes or prepared text, but I think I have to this morning because I recently read an article which seems to me to bear very greatly on this subject. I think we should be aware of it, and so I want to take the time for a few moments to read this article and then ask your support for a minority "ought not to pass" report.

The article is called, "Maine's Invisible Industry" and was written by Frank Levine. I want to read it to you and want you to listen to it very carefully. I think it has a great deal of bearing on not only this legislation but much other legislation which we are going to have before us in this legislature.

I also want to make it very clear that I am now speaking as an individual. I just feel so very strongly about this, I feel something should be said and I quote:

"If it could, would the State of Maine like to attract and encourage an industry employing over ten thousand people who would pay unemployment taxes, but almost never collect — with young and healthy workers who would almost never go on welfare? An industry which would require no school space for its children, or

police, fire, or social services from any municipality?

"Would Maine be interested in an industry that would own and protect about one hundred thousand acres of prime woodlands, and miles of the finest lake frontage, beaches and shoreland? An industry which would pay perhaps one-half million dollars in real estate taxes to small towns without requiring water service, sidewalks, street lights, sewage disposal systems, or plowed roads?

"Would Maine like an industry working to preserve the State's natural beauty, with no polluting smoke stacks, no discharge of waste water into streams or lakes — whose twenty-five thousand or so customers would never clog its highways? An industry attracting perhaps fifty thousand vacationing visitors without any advertising or public relation's efforts on the part of Maine's tourism industry?

"How would Maine feel about an industry operating so unobtrusively that it placed almost no demands on the political system to give its employees or customers a vote in municipal or state government — nor pressured the legislature for special funding, grants or subsidies?

"If Maine would like such a constructive, environmentally sound, non-demanding industry whose assets probably amount to over one hundred million dollars, it need look no further — THIS INDUSTRY NOT ONLY ALREADY EXISTS, BUT HAS BEEN HERE FOR OVER FIFTY YEARS!

"Above and beyond its economic and environmental importance to the State of Maine, this invisible industry brings a whole range of other constructive attributes that quietly contribute to the social and educational fabric of Maine life. For this "industry" is also a profession, one whose major concern is the healthy growth and development of this nation's children.

"What has too often been overlooked and indifferently taken for granted are Maine's 250 Organized Children's Camps. Included among the nation's finest and oldest camps, and providing some of the fullest and most creative experiences for children found anywhere, Maine fails to even list children's camps among its businesses, much less promote them as one of the state's important assets. Nor does it give any indication that it is aware of, responsive to, or even in favor of a continuation of this factor in Maine life.

"Until now the only state agency interested in organized camps has been the Department of Health and Welfare which, for a license fee, tests their drinking water each year and inspects sanitation as it would all public eating and accommodation facilities.

"A breakthrough in this fifty year pattern of "benign neglect" has come this past year through the efforts of Halsey Smith, Director of Maine's vital new Center for Research and Advanced Study at the Portland campus of the University of Maine. Halsey Smith not only brings extensive pragmatic experience as former chief executive of Casco Bank & Trust Company, but also a dedicated and dynamic concern for the welfare of Maine's people, environment, education, and financial health. Typical of the "action oriented research" instituted at this contemporary Portland building is the very first effort to measure the role that children's camps can play in the life and future of the State of Maine.

"The most obvious fact about almost all

of Maine's two hundred and fifty summer camp facilities is that they are dormant for about 10 months of the year. This gives enormous potential for growth and development, and a significant opportunity to introduce constructive and creative programs which can be aligned to Maine's needs.

"Such under-utilization of plant, equipment, and land holdings is becoming less and less financially feasible in the current economy. Small camp operations which teach 25 to about 100 children are feeling the greatest pressure. Statistics across the nation show that more children are attending camps than ever before, but most of this increase has occurred in the larger camps where cost per child is lower.

"As with many small businesses and schools, the total number of organized summer camps is gradually diminishing. The tendency is for camps to sell their land for development. This has meant the conversion of some particularly beautiful and environmentally sound woodland and water frontage into commercial lots of doubtful aesthetic or ecological value. Thus, they become part of the questionable trend of allowing Maine's prime land and shore frontage to become the exclusive property of the wealthy second home owner."

This report goes on at great length to explain the things which need to be done to protect this land, the things which the state government should address itself to to help it so that we may protect this invisible industry and we may protect our land from further development perhaps in an aesthetic way which is not the very greatest.

The report goes on and concludes the number of different things which Maine should be doing to help assist these children's camps to remain in existence, to keep the land for the purpose of education, to expand beyond the current eight-week summer program into programs such as Maine Reach, for example, at Chewonkey in Westport and others which are being promoted at the present time in other sections of our state.

We are now talking about education, about environmental impact, we are talking about saving a good industry. One of the things that they mentioned in this report, the advanced study course at Portland, is this, they address themselves to the Maine Legislature and they say this is what the Maine Legislature should think about:

"For accepting the educational identity of camps with accompanying tax consideration; for clarifying the unique nature of children's camp operations as neither resorts nor amusement parks, but as residential learning and living communities not subject to industrial standards such as OSHA, minimum wages, etc.; and for funding more research on camping as a major Maine resource."

I point this out to you because I truthfully believe there are many young people who go to these camps who perhaps are getting less than the minimum wage today, taking jobs that are not counselors or junior counselors and I realize that this is in this bill but there are others who go there who want to wash dishes, who want to cook, who want that way of life. It is something very special for them, and I am afraid that if we open the door this time, the next time we will open the doors to counselors and junior counselors and sooner or later, all of these valuable assets

and all of this invisible industry which we talk so much about, and all this beauty of Maine which is being protected today will be lost to development because the owners could not stand that much additional cost.

I plead with you this morning to think about this. It is a very serious problem. I recognize the fact that there is another side to this question, but I plead with you to think about it, to think about this valuable natural resource which we may very well this morning, by a vote, do something to destroy and we need to think about it, as the saying goes.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Nobleboro was quite correct when he states there is another side to this issue and that is the other side which I hope I can present to you in as few words as possible.

I was somewhat surprised that the gentleman did not appear at the public hearing to state his strong feelings. We had a public hearing. There was no opponents to this bill for the first time since it has ever been introduced. This bill, not only has the support of the Bureau of Labor and Industry and the support of labor organizations, which have always supported it, but for the first time it also has the support of the Maine Camp Owners and Directors Association. You probably ask yourselves, why would the camp owners support a bill which will cost them money? The point of fact is that it will cost very few of them money, because the vast majority who have summer camps in Maine already comply with minimum wage statutes, but there are a few abuses, a few people who will not pay the minimum wage.

Let me relate to you the basic facts of this bill: (1) This bill does not affect in any way non-profit camps. It does not affect YMCA Camps, church camps, Boy Scout camps, Girl Scout camps or educational camps in any way, it affects only those camps which are in business to make a profit; that is why they are here; (2) This camp exempts all, counseling, and junior counseling situations. It will only affect those young people in Maine who work washing dishes and other manual jobs; (3) There are 160 camps in the State of Maine. Of those 160 camps, 75 percent of those camps have out-of-state directors. They are owned and operated for profits by out-of-state people; (4) The average cost per person to go to one of these profit-making camps is \$1,600 a summer — \$1,600 a summer, ladies and gentlemen; that is a lot of money.

There is a lot of money, coming through these camps but for some reason that money never gets to the young Maine men and women who have to work and work hard in these camps because of this minimum wage exemption.

Let me explain how this exemption works. Because these particular individuals are under the age of 19, their minimum wage is not the \$2.10, which is currently prevalent, but it is 75 percent of that minimum wage or about \$1.60. More important than that is that under the present law, if we vote today, the camp owners will be able to subtract any room and board which the camp owners pay to the individual workers. That has been adjudged at \$25 a week. If you figure that out, you will come to the fact that all a camp owner has to do to pay a young person and still meet the minimum wage

requirements is about \$40 per week — \$40 a week, and yet the good gentleman from Nobleboro seems to feel that that is too much money to pay a person to work washing dishes. I spent at least one summer washing dishes. The hours are long and they were hard.

We had a representative from the Bureau of Labor and Industry come into our hearing and tell us about the many many cases he has received over the years about young people who never had the chance to swim, where the out-of-state kids who were paying \$1,600 could swim, because they were working 12 to 14 hours a day in the kitchen or washing the dishes, scrubbing the floors, so that the \$1,600-a-year kids, the wealthy out-of-state kids who came to the camps wouldn't have to do anything.

I understand the gentleman from Nobleboro's problem. He mentioned the fact he got a call from a camp in Westport which he represents, and I think we can all understand why he spoke this morning. But let's not forget that we have young people in this state who are trying to work and all we are asking for under this bill is \$40 a week. I can't see how we can overturn such an overwhelming 12 to 1 "Ought to Pass" report, and I hope you vote yes on the pending motion.

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

Mrs. LEWIS: Mr. Speaker and Members of the House: I think that Mr. Tierney is not a hundred percent correct in all of his statements. My children worked at summer camps. My daughter worked at three different summer camps and my son at two summer camps always doing kitchen work. The first year my son worked at a camp, he earned \$50 for the whole summer, but neither he nor we thought he was underpaid because the people who owned the camp couldn't have been nicer to him. He was allowed to use the sailboats, swim at his off hours, he certainly never worked the long hours that Mr. Tierney apparently worked when he was working at a summer camp.

I am afraid that if we do raise the minimum wage, possibly these fringe benefits would no longer be available to these young people, and I wonder if they would really lose more than they would gain by getting additional money.

Also, I am wondering, if the salary should go up if the employment would still be there for children or if it wouldn't become adult employment?

Another thing I would like to ask if someone could answer me. It is a subject I am not familiar with. Do non-profit camps in this state pay taxes?

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, poses a question through the Chair to any member who cares to answer.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I feel I should answer a few of the comments made by the good gentleman from Durham. First of all, to the statement that no one was here to oppose this bill is probably one of the best reasons for not voting for it. The camps couldn't afford to have a lobbyist this year because they aren't making any money. If they had had one, I am sure there would have been plenty of people here.

Secondly, I would point out to you that I didn't go to the hearing, that is true. I do have certain duties here in the House, and

there are many bills of the 2,600 I suppose we will consider that I cannot go to in committee and say I am for or against, but I do have the right on the floor of the House to oppose a bill, even though I couldn't get to that hearing. I would have loved to have been at the hearing, Representative Tierney, but other commitments kept me from going there.

I want to take this spurious argument about these terrible out-of-state people who come in here and rob us, they take our little children and work them into the wee hours of the morning, they are robber barons, they have no consciences. This is all foolishness. I have known many many of these people in my lifetime. I happened to have personal experience with many of them. I am not here speaking because I have a camp at Westport in my district; I have others too. I have concerns for other parts of the State of Maine, not just for Westport or Nobleboro or Damariscotta.

I happen to know of one of these rich camps in my own home town where rich boys come. They pay \$1,100, not \$1,600, to go there, and the owner of the camp takes the big salary of \$2,500 a year as director and the camp doesn't make any money, in addition to which he gives annually 11 scholarships to poor boys and girls from my home town who couldn't afford to go to a camp, and they go there and enjoy all the goodies that the so-called rich fat cats from out of state enjoy.

Let's just divorce this thing from these rich people who are robbing us of our livelihood and let's talk about Maine's environment, about an industry that really brings in taxes, in purchases and supplies millions of dollars to this state every year, and we know the trend is that they are going down, down, down, there are less and less every year, and as there are less and less, there is more and more development of a very undesirable nature. Now if you want to further the thing along, just go on with this this morning and then next year we will go on with junior counsellors and counsellors and pretty soon these thousands of acres of land will be up for development and a great resource to the State of Maine, especially in the training and education of our youth, will be lost. I maintain it is pennywise and pound foolish.

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

Mr. HOBBS: Mr. Speaker and Members of the House: I am the sponsor of L. D. 626, the bill that I sponsored in the previous session and the bill that was sponsored before me by the person I succeeded, because he is in office.

You are going to hear that this is a chestnut that has been around the halls of the legislature for many years, and it has. But I think it is an important bill, one that I talked on last time and I spoke at the hearing on.

At this time, I would just rebut a few of the remarks made by the gentleman from Nobleboro, Mr. Palmer, and he made the statement that there were no lobbyists there at the hearing to oppose this measure. Well, if he was at the hearing, he would have seen that the Maine Camp Directors Association paid their legislative agents to come and endorse the bill. They supported the bill. Let me repeat that again — they endorsed the bill for the first time in the history of their organization. They know and they realize that there are abuses in summer camps and we all know that if you have talked to many young people that I have talked to.

They also realize that most of their memberships pay the minimum wage, but they also realize that many people abuse the existent exemption which now is privileged on the summer camps of Maine.

We talk about the camps going out of business. Well, if this state wants to subsidize a profit-making operation, let them come here with a bill and have a hearing, and let's debate it on its merits. If they want to subsidize a profit-making operation, I don't think it should be done the way it is now at the present level. What we are doing, we are subsidizing them on the basis of the work of some of the young people of our state, and I do not think that we should discriminate on the basis of age of occupation as we are now.

We have already heard bills in the previous session about giving young people full rights. And again and again we talk about full rights for young people. If we expect young people to have faith, young people working at camps, in elected officials, they should realize that we do believe that we should have faith in them and provide them with the minimum wage that they should have.

This bill isn't a radical bill, as has been stated so gracefully by Representative Tierney, Chairman of the Labor Committee. He stated to you this was a 12 to 1 report from the Committee on Labor. He also stated to you that there are many abuses. He also stated to you that the Department of Labor and Industry came and testified for the bill and told the committee and told myself of many abuses, in the summer camps of Maine.

Mr. Speaker and Members of the House, I do urge you to accept the "ought to pass" report. It had a 12 to 1 hearing before the committee in a vote, and when the vote is taken, I request the yeas and nays.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am a member of that committee. I will say this, in spite of the fact that we have heard an eloquent address from our minority leader in regards to a lot of the conditions, there are some things I cannot go along with him, and that is the fact that he said we are going to have less camps and we are going to have more vacations. I don't know how you are going to put those two things together.

I really think that after hearing the testimony down there that the youth are entitled to a proper wage and these camp owners are getting a certain percentage of deduction from the minimum wage. It is true that a lot of camps are giving them a lot of benefits, such as swimming, boating, canoeing, whatever they have, but by the same token, there are a lot of them that are earning more than what they are getting for pay, and I really believe that we should not exploit our youth. Let's pay them what they are worthy of, and that is one of the reasons why I supported that bill.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I signed this report in the minority to accomplish just what has been accomplished today, to give the members of this body a chance to speak. I know that many of you do have summer camps in your area, and I didn't want to see the bill go by way of 17-A.

I also have summer camps in my area, both non-profit and profit, and in regard to the question that was asked, the non-profit camps do not pay taxes and the so-called

profit camps, if there are any profit camps, do pay taxes. I was an assessor in my town for 12 years, and I know the problems that they have in paying their taxes. I also know that there are many young people in my town who would like to work at some of these summer camps at no pay. They would like to go there for the experiences of canoeing, as was brought out, swimming, doing all of the fun things that go along with being affiliated with summer camps. I am afraid that there are many of our young people who won't have an opportunity to work at these camps. I am afraid that there are some of these camps that just won't be in existence if we open the door with this bill and continue to take away the profit picture, and I reiterate, if there is a profit picture, in regard to these summer camps.

I know that the hour is getting late and we all want to have lunch and get to our hearings, so I am not going to prolong this, but I do urge each of you to vote no.

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

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

The SPEAKER: The Chair would inform the House that the Chair has excused the gentleman from Portland, Mr. LaPointe and the gentleman from South Portland, Mr. Curran, from voting pursuant to House Rule 19.

The pending question is on the motion of the gentleman from Durham, Mr. Tierney, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Limit the Minimum Wage Exemption for Summer Camp Employees," House Paper 504, L. D. 626. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Blodgett, Boudreau, Bowie, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Durgin, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Higgins, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Littlefield, Lizotte, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreaarty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wilfong, Winship, The Speaker.

NAY — Bagley, Burns, Byers, Conners, Curtis, Doak, Dyer, Garsoe, Gould, Gray, Hewes, Hunter, Hutchings, Leonard, Lewin, Lewis, Mackel, MacLeod, Morton, Palmer, Perkins, T.; Peterson, P.; Rideout, Rollins, Sprowl, Susi, Torrey, Webber.

ABSENT — Dudley, Hinds, Immonen, Lovell, Wagner, Walker.

Yes, 115; No, 28; Absent, 6.

The SPEAKER: One hundred fifteen having voted in the affirmative and twenty-eight in the negative, with six being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-57) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-58) on Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing" (H. P. 273) (L. D. 327)

Report was signed by the following members:

Messrs. GRAHAM of Cumberland
KATZ of Kennebec

— of the Senate.

Messrs. RAYMOND of Lewiston
TALBOT of Portland
DAVIES of Orono

Mrs. BACHRACH of Brunswick
Mrs. SAUNDERS OF Bethel

— of the House.

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

Report was signed by the following members:

Mr. TROTZKY of Penobscot

— of the Senate.

Messrs. HUNTER of Benton
CONNERS of Franklin
TRUMAN of Biddeford
AULT of Wayne

Mrs. HUTCHINGS of Lincolnville

— of the House.

Reports were read.

Thereupon, on motion of Mr. Talbot of Portland, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-58) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" on Bill "An Act Relating to Hunting Pheasants" (H. P. 346) (L. D. 430)

Report was signed by the following members:

Messrs. McNALLY of Hancock
GRAFFAM of Cumberland
PRAY of Penobscot

— of the Senate.

Messrs. MacEACHERN of Lincoln
KAUFFMAN of Kittery
MILLS of Eastport
TOZIER of Unity
MARTIN of St. Agatha
WALKER of Island Falls
PETERSON of Caribou
USHER of Westbrook

— of the House.

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

Report was signed by the following members:

Messrs. CHURCHILL of Orland
DOW of West Gardiner

— of the House.

Reports were read.

On motion of Mr. Mills of Eastport, tabled pending acceptance of either Report and specially assigned for Thursday, March 13.

Consent Calendar**First Day**

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

(H. P. 419) (L. D. 505) Bill "An Act Placing the Secretary to the Attorney General in Unclassified Service of State Government" (Emergency) Committee on State Government reporting "Ought to Pass"

Government reporting "Ought to Pass" (H. P. 615) (L. D. 728) Bill "An Act Relating to Nepotism in State Hiring and Promotional Practices" — Committee on State Government reporting "Ought to Pass"

(H. P. 526) (L. D. 643) Bill "An Act Authorizing the Bureau of Forestry to Provide Funds to the Penobscot and Passamaquoddy Tribes to Procure Shade Trees" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 459) (L. D. 562) Bill "An Act Relating to Change of Location or Status Concerning Vehicle Registrations" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-60)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 12, under listing of the Second Day.

Consent Calendar**Second Day**

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

(S. P. 170) (L. D. 552) Bill "An Act to Amend the Charter of the Biddeford and Saco Water Company"

(S. P. 55) (L. D. 136) Bill "An Act Prohibiting the Use of Motor Boats Powered by Internal Combustion Engines on Nokomis Pond" (C. "A" S-19)

(H. P. 456) (L. D. 590) Bill "An Act to Require Industrial Accident Insurers to Maintain Agents Within the State of Maine" (C. "A" H-55)

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

Passed to Be Engrossed

Bill "An Act to Provide for Reciprocity in Permits and Fees Issued on Motor Vehicles for Hire under the Public Utilities Law" (Emergency) (S. P. 271) (L. D. 856)

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

**Passed to Be Enacted
Emergency Measure**

An Act to Extend the Life of the Commission Preparing a Revision of the Probate Laws (H. P. 235) (L. D. 291)

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. 127 voted in favor of same and one 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 Maine Consumer

Credit Code as it Applies to Consumer Credit Sales Pursuant to which no Finance Charge is Made (H. P. 303) (L. D. 366)

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 Provide Continuing Jurisdiction over Juvenile Offenses (H. P. 321) (L. D. 393)

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

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

Mr. LaPOINTE: Mr. Speaker, very briefly, could one person from the Judiciary Committee succinctly explain the bill?

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

Mr. HEWES: Mr. Speaker and Members of the House: As I understand the existing law, a person under the age of 18 years of age who commits a crime is subject to institutionalization for most offenses only until his 18th birthday. Hence, if a person say 17 years and 11 months of age is guilty of breaking and entering, he would only be sentenced to an institution until his 18th birthday and then he would be set free.

Judge Ralph H. Hoss, Chief Judge of the district court, spoke to us about this bill particularly and told of one circumstance where he was so concerned with the boy that even though the boy was within three or four days of being 18, he sentenced him to the Boy's Training Center, and upon the boy's 18th birthday, he was let go.

This bill would permit the institutions such as the Boy's Training Center or Stevens School to retain jurisdiction over the young person until the person is, I believe, 21 years of age, not that they would stay in an institution that long, but they would stay until the authorities felt that the child could then be back in society.

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

A vote of the House was taken.

128 having voted in the affirmative and 1 in the negative, the motion did prevail.

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

Passed to Be Enacted

An Act to Permit Insurers to Limit Liability on Accident Policies in Certain Situations (H. P. 24) (L. D. 32)

An Act to Abolish the State-wide Central Tumor Registry of the Department of Health and Welfare (H. P. 283) (L. D. 335)

An Act to Change the Name of Department of Inland Fisheries and Game to Department of Inland Fisheries and Wildlife (H. P. 413) (L. D. 588)

Finally Passed

RESOLVE, Reimbursing Certain

Municipalities on Account of Property Tax Exemptions of Veterans (H. P. 293) (L. D. 346)

Where 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 Clarify the Definition of Homestead under the Elderly Household Tax and Rent Refund Act" (H. P. 762) (Committee on Reference of Bills suggested Committee on Taxation.

Tabled — March 6, by Mr. McKernan of Bangor.

Pending — Reference.

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

Mr. CHURCHILL: Mr. Speaker and Members of the House: I would move to indefinitely postpone this bill for the simple reason that I feel it is covered by other legislation. If I am not wrong, I have to move on both of these separately.

Thereupon, on motion of Mr. Churchill of Orland, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

Bill "An Act to Increase the Income Limits Under the Elderly Household Tax and Rent Refund Act" (H. P. 763) (Committee on Reference of Bills suggested Committee on Taxation.

Tabled — March 6, by Mr. McKernan of Bangor.

Pending — Reference.

On motion of Mr. Churchill of Orland, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

Joint Order, Relative to Legislative Council Study Distribution of Social Service Funds. (S. P. 180)

Tabled — March 6, by Mr. Rolde of York.

Pending — Adoption of Senate Amendment "A" (S-14).

On motion of Mr. Rolde of York, retabled pending the adoption of Senate Amendment "A" and tomorrow assigned.

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-50) — Committee on Judiciary Bill "An Act to Protect Physicians Engaged in Peer Review" (H. P. 174) (L. D. 204)

Tabled — March 7, by Mr. Mulkern of Portland.

Pending — Acceptance.

On motion of Mr. Mulkern of Portland, the Report was accepted. The Bill was read once. Committee Amendment "A" (H-50) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the fifth tabled and today assigned Matter:

Bill "An Act to Repeal the Bounty on Bobcats" (H. P. 287) (L. D. 339)

Tabled — March 7, by Mr. Mills of Eastport.

Pending — Passage to be engrossed.

On motion of Mr. Mills of Eastport, the

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

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

Bill "An Act Relating to the Use of Leg. Hold Traps under the Inland Fish and Game Law" (H. P. 400) (L. D. 489)

Tabled — March 7, by Mr. Strout of Corinth.

Pending — Passage to be engrossed.

On motion of Mr. Strout of Corinth, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act to Clarify the Definition of 'Approved Alcohol Treatment Facility' and to Allow Payments to be Made Directly to the Facility" (S. P. 273) (L. D. 879) Comes from the Senate — Referred to Committee on Judiciary.

Tabled — March 7, by Mr. Goodwin of South Berwick.

Pending — Reference.

On motion of Mr. Goodwin of South Berwick, referred to the Committee on Health and Institutional Services in non-concurrence and sent up for concurrence.

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

Bill: An Act to Establish the Maine Safe Drinking Water Act" (H. P. 654) (L. D. 812) — In House, Referred to Committee on Health and Institutional Services. In Senate — Referred to Committee on Public Utilities.

Tabled — March 7, by Mr. Kelleher of Bangor.

Pending — Further consideration.

On motion of Mr. Goodwin of South Berwick, retabled pending further consideration and tomorrow assigned.

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

Senate Divided Report — Majority (9) "Ought Not to Pass." — Minority (4) — "Ought to pass" — Committee on Fisheries and Wildlife on Bill "An Act to Permit All-Day Hunting of Deer on Sunday by Maine Residents." (S. P. 74) (L. D. 214) — In Senate, Majority "Ought Not to Pass" Report accepted.

Tabled — March 7, by Mr. Mills of Eastport.

Pending — Acceptance of either Report.

On motion of Mr. Mills of Eastport, retabled pending acceptance of either Report and tomorrow assigned.

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

Senate Report — "Ought to Pass" as amended by Committee Amendment "A" (S-18) Committee on Human Resources on Bill "An Act to Require that Newly Constructed or Reconstructed Public Buildings be made Accessible to the Physically Handicapped." (S. P. 51) (L. D. 132) — In Senate, Bill passed to be engrossed as amended by Committee Amendment "A".

Tabled — March 7, by Mr. Talbot of Portland.

Pending — Acceptance.

On motion of Mr. Talbot of Portland, retabled pending acceptance of Committee Report and specially assigned for Thursday, March 13.

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

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

Tabled — March 7, by Mr. Palmer of Nobleboro.

Pending — Passage to be enacted.

On motion of Mr. Faucher of Solon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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) — In Senate, was Finally Passed and signed by the President on March 6.

Tabled — March 7, by Mr. Binnette of Old Town.

Pending — Motion of Mr. Finemore of Bridgewater, to Adhere on previous action whereby the Bill failed to be Finally Passed.

On motion of Mr. Stubbs of Hallowell, retabled pending the motion of Mr. Finemore of Bridgewater to adhere and tomorrow assigned.

On motion of Mr. Strout of Corinth, the House reconsidered its action of March 7 whereby Bill "An Act Relating to the Use of Colored Lights on Certain Fire and Emergency Vehicles," House Paper 411, L.D. 499, was passed to be engrossed.

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

House Amendment "A" (H-63) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. STROUT: Mr. Speaker and Members of the House: The purpose for this amendment is to require that constables be in uniform to admit a blue beam of light on his vehicle. Basically, I thought we would like to have something in the law that would say that in order for constables to admit a blue light, they would have to be in uniform.

On motion of Mr. McKernan of Bangor, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Cox of Brewer,
Adjourned until nine-thirty tomorrow morning.