

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, March 13, 1975

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

Prayer by Father Arthur Cloutier of Mexico.

The journal of yesterday was read and approved.

Papers from the Senate

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

Report of Committee Ought Not to Pass

Bill "An Act to Provide a Mandatory 60-day Sentence for Anyone Convicted of a Felony" (S. P. 9) (L. D. 41) Committee on Judiciary reporting "Ought not to pass"

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

Non-Concurrent Matter

Joint Order relative to Special Committee to Study Bidding Process of Bureau of Purchases (H. P. 696) which was read and passed as amended by House Amendment "A" (H-49) in the House on March 5.

Came from the Senate with House Amendment "A" (H-49) indefinitely postponed and Senate Amendment "A" (S-25) read and adopted and the Order passed as amended in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Transporting Deer in Open View" (H. P. 344) (L. D. 428) which the House passed to be engrossed on February 26 and insisted on that action on March 5.

Came from the Senate with that body voting to insist on its former action whereby the Minority "Ought Not to Pass" Report was accepted in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Bonding of Gasoline Distributors and Use Fuel Dealers" (H. P. 511) (L. D. 573) which was passed to be engrossed as amended by House Amendment "A" (H-42) in the House on March 4.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Finemore of Bridgewater, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Charter of the Freeport Sewer District" (Emergency) (H. P. 441) (L. D. 515) which was passed to be engrossed in the House on March 4.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-24) in non-concurrence.

In the House: On motion of Mrs. Clark of Freeport, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Increase the Size of Claim Allowable under the Jurisdiction of the Small Claims Court" (H. P. 770) (L. D. 941) which the House referred to the Committee on Legal Affairs on March 6.

Came from the Senate referred to the

Committee on Judiciary in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Clarify the Definition of 'Approved Alcohol Treatment Facility' and to Allow Payments to be Made Directly to Facility" (S. P. 273) (L. D. 879) which the House referred to the Committee on Health and Institutional Services in non-concurrence on March 11.

Came from the Senate with that body having insisted on its action whereby the Bill was referred to the Committee on Judiciary in non-concurrence.

In the House: On motion of Mr. Goodwin of South Berwick, the House voted to further insist.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills and Resolves 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 for Repair and Maintenance and Operation of the State-owned Dam on Dead River in Androscoggin County" (H. P. 869) (Presented by Mr. Ault of Wayne)

Resolve, to Reimburse the Town of Plymouth for Welfare Expenditures (H. P. 878) (Presented by Mr. Farnham of Hampden)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Provide Alternatives to the Compulsory Attendance Law" (H. P. 858) (Presented by Mrs. Lewis of Auburn)

Committee on Reference of Bills suggested the Committee on Education.

(On motion of Mr. Perkins of South Portland, tabled pending reference and tomorrow assigned.)

Education

Bill "An Act to Provide Staff for the Regulation of Pre-School Facilities" (H. P. 866) (Presented by Mrs. Mitchell of Vassalboro) (Later Reconsidered)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Change the Date of Primary Elections" (H. P. 860) (Presented by Mrs. Mitchell of Vassalboro)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Relating to the Training of Coon Hounds" (H. P. 888) (Presented by Mr. Usher of Westbrook)

Bill "An Act to Authorize Free Hunting and Fishing Licenses for All Maine Residents of 65 Years of Age or Older and for Certain Totally Disabled Maine Veterans" (H. P. 890) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Revise Certain Statutory Provisions for the Licensing of Boarding Homes and Day Care Facilities" (H. P. 864) (Presented by Mrs. Mitchell of Vassalboro)

Committee on Reference of Bills

suggested the Committee on Health and Institutional Services.

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

Health and Institutional Services

Bill "An Act to Revise the Laws Relating to the Administration of General Assistance" (H. P. 892) (Presented by Mrs. Mitchell of Vassalboro)

Bill "An Act to Permit the Advertising of Prescription Eyeglasses and Other Optical Devices" (H. P. 893) (Presented by Mr. LaPointe of Portland)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Make Possession of Federally Controlled Drugs Unlawful" (Emergency) (H. P. —?) (Presented by Mr. Joyce of Portland)

Bill "An Act to Establish the Uniform Disclaimer of kProperty Interests Act" (H. P. 874) (Presented by Mr. Perkins of South Portland)

Bill "An Act to Establish the Uniform Disclaimer of Transfers under Nontestamentary Instruments Act" (H. P. 875) (Presented by Mr. Perkins of South Portland)

Bill "An Act to Establish the Uniform Disclaimer of Transfers by Will, Intestacy or Appointment Act" (H. P. 877) (Presented by Mr. Perkins of South Portland)

Bill "An Act Relating to Marital Rights in Partnership Property under the Uniform Partnership Act" (H. P. 868) (Presented by Mr. Ault of Wayne)

Bill "An Act to Clarify Title to Land Where Martail Release is Omitted from Conveyance" (H. P. 876) (Presented by Mr. Perkins of Blue Hill)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Providing for a Comprehensive State-wide Program of Primary Prevention of Alcohol and Drug Abuse and other Forms of Socially Disruptive and Potentially Self-destructive Human Behavior" (H. P. 881) (Presented by Mr. Silverman of Calais)

Committee on Reference of Bills suggested the Committee on Judiciary.

(On motion of Mr. Silverman of Calais, tabled pending reference and tomorrow assigned.)

Judiciary con'd

Bill "An Act Concerning the Forfeiture of Property Used in Delivering Illegal Drugs" (H. P. 884) (Presented by Mr. Joyce of Portland)

Bill "An Act to Establish a Statute of Limitations with Regard to the Negligence of Design Professionals" (H. P. 889) (Presented by Mr. Wilfong of Stow)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Concerning Court, Bank and School Holidays" (H. P. 857) (Presented by Mrs. Kany of Waterville) (By Request)

Public Utilities

Bill "An Act Relating to Ogunquit Village Corporation and the Ogunquit

Sewer District" (Emergency) (H. P. 879)
(Presented by Mr. Mackel of Wells)

Legal Affairs con'd

Resolve, to Reimburse Thomas F. Oechsle of East Holden for Damage to Beehives by Bear (H. P. 883) (Presented by Mr. Wagner of Orono)

Resolve, to Reimburse the Town of Waldoboro for Assisting in the Capture of Escapees from the Maine State Prison in Thomaston (H. P. 886) (Presented by Mr. Blodgett of Waldoboro)

Bill "An Act Relating to Borrowing by Hospital Administrative District No. 1 in Penobscot County" (H. P. 887) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act Relating to Premiums and Rebates by Class A Restaurants under the Liquor Laws" (H. P. 873) (Presented by Mr. Dyer of South Portland)

Bill "An Act Relating to Certain License Requirements for Class A Restaurants under the State Liquor Laws." (H. P. 859) (Presented by Mr. Fraser of Mexico)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Relating to Fire Protection for Township 8, R. 4 and Township 10, R. 6" (H. P. 885) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Pierce of Waterville presented the following Joint Order and moved its passage: (H. P. 867)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Richard H. Meader, Coach Thomas College, NAIA District Five, Waterville, Maine Basketball Coach of the Year

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.

Mr. Smith of Dover-Foxcroft presented the following Joint Order and moved its passage: (H. P. 837)

WHEREAS, Maine's forest land and its health and productivity is of paramount importance to the social and economic well-being and future of the State, and to the recreational opportunities of the citizens of Maine and its visitors; and

WHEREAS, Maine's renewable forest resources are an integral part of the national-international economic sphere and occupy an important place in the forests of the East; and

WHEREAS, Maine has the highest percentage of forest land in the nation, has the highest percentage of private forest land ownership in the nation and provides the leading source of income to Maine people; and

WHEREAS, Maine's forest land is

owned almost exclusively by 100,000 private individuals and firms with diverse interests and has been managed for the continuous social and economic benefit of all; and

WHEREAS, Maine's forest land is experiencing an evolutionary era in forest land management and utilization, in which an effective economic and environmental balance must be achieved through cooperative efforts within and between agencies of government and private sectors; and

WHEREAS, it should be a goal of the management of Maine's forest resources to achieve maximum stable employment and maximum commodity production; and

WHEREAS, it is one of the many functions of government to assist and encourage resource utilization and business activity through research, education and service; and

WHEREAS, the internationally recognized School of Forest Resources of the University of Maine has provided numbers of professionally trained foresters to assist in the management of Maine's forest land resources, the State, in addition to the University, and the private sector should explore areas of joint responsibility in meeting future research, education, technological and manpower needs; and

WHEREAS, other states are establishing official forest policy, it is desirable to establish for the first time a state-wide forest policy for Maine and the region, to insure the health of the forest and to meet the demand for wood fibre and nonwood fibre resources; and

WHEREAS, the effects of natural forest disasters such as windstorms, fires, insect and disease epidemics, and protection from them, have an important bearing on forest health, composition, productivity, growth recovery and the enhancement and maintenance of the general environment; and

WHEREAS, over the years, many laws, rules and regulations have been adopted by the State and Federal Governments which affect public and private management and utilization costs, forest productivity, protection, taxation and land use; and

WHEREAS, the proposed Federal Model State Forest Practices Act and the 23 public hearings conducted in 1974 by the State Bureau of Forestry indicate the need for education and further study of regulation of the forest land resources of Maine; now, therefore, be it

ORDERED, the Senate concurring, that a special joint select committee be created to study the total forest resources of Maine and their protection, productivity and use. Such study shall include an analysis of present governmental services and regulations, consequences and control of natural disasters, private and public management activities, ownership structure, markets and utilization, regional, national and international trends, taxation and land use. In order to carry out the purposes of this Order a special committee shall be formed to consist of 4 persons to be appointed by the President of the Senate, 2 of whom shall be Members of the Senate; 4 persons to be appointed by the Speaker of the House, 2 of whom shall be Members of the House; 3 additional members to be appointed by the Governor. Such special committee shall elect a chairman who shall serve at the

pleasure of the committee; and be it further

ORDERED, that the members of the committee shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures; and be it further

ORDERED, that the special committee report the results of its study together with all necessary implementing legislation at the next regular session of the 108th Legislature; and be it further

ORDERED, that there is allocated from the Legislative Account the sum of \$5,000 to be expended for the purposes of this Order, and that any moneys remaining at the end of the biennium shall not lapse, but shall be carried forward in a continuous carrying account to be expended for the purposes of this Order.

The Order was read.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentleman of the House: This joint order would create a committee, whose job it would be to review some of the restrictions and regulations, or all of them, if the committee saw fit, that have been promulgated under the land use and zoning laws that we have enacted in recent legislatures.

For some time now, as a strong proponent to these measures in the past and still to this day, I have been receiving a great many complaints from constituents and from people out around the state who are not constituents but with whom I have had contact, saying that these land use bills and the regulations promulgated thereunder and the zoning laws are imposing undue hardships on the little fellow, as you might say.

In the last legislature, there was an order passed that was designed to look into these matters, but apparently it was never ordered studied by the legislative council. This is a very similar order and would simply ask that that committee review these land use regulations, land use policies and zoning policies, to determine whether or not these complaints that have been received I am sure by all of us are correct, and if they are, what can be done in a constructive way to straighten this matter out.

As you will see, the committee would be composed of four people appointed by the Speaker, four people appointed by the President of the Senate, two from each body must be legislators, and three people appointed by the Governor.

There are a great many concerns that people have throughout the State of Maine, both proponents of land use regulation and zoning, and opponents. I believe we should support this order; that is why I introduced it as a constructive measure to make a constructive inquiry. I hope it will receive the full endorsement of this House.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentleman of the House: I agree one hundred percent with the order, and I think the gentleman from Dover-Foxcroft, Mr. Smith, has done a very fine job, but I still want to go on record as opposing 15 members of a committee. Any committee with 15 members has too many; it should be cut down to be about 9 members. This

would be more easy to work with. So I am in favor of the resolution a hundred percent, but I do object and I want to go on record.

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

Mr. Mulkern of Portland presented the following Joint Resolution and moved its adoption: (H. P. 895) (Approved for introduction by a majority of the Committee on Reference of Bills)

WHEREAS, Thursday, March 13, 1975 has been designated as National Music in our Schools Day; and

WHEREAS, this occasion will be celebrated with many classroom activities including special vocal and instrumental group performances in our junior and senior high schools across our nation and state; and

WHEREAS, good music brings growth, enrichment, and enjoyment to the lives of so many people in these troubled times; now, therefore, be it

RESOLVED, the Senate concurring, that We, the Members of the 107th Maine Legislature assembled in regular session, take the opportunity of this special occasion to pledge our continuing support to programs to promote the growth of music in Maine; and be it further

RESOLVED, that We the Members of the 107th Legislature take this opportunity to honor all of the dedicated music students and music educators of our State.

The Resolution was read.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentleman of the House: I have submitted this joint resolution to you this morning to honor the many dedicated music students and music educators of our state. On the occasion of National Music in our Schools Day, which is being celebrated across the nation today.

It is my strong belief that music stands as an important vital tool in the total education process of our young people. As an integral part of any school curriculum, it can provide unique opportunities for lasting growth, enrichment and enjoyment and a sense of purpose in troubled times such as these.

I ask the members of the 107th Legislature, therefore, on this special occasion, to take the opportunity to pledge their continuing support to programs which promote music here in Maine, and further to honor all the dedicated music students and music educators of our state, who recognize the unique power for good which fine music possesses.

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

House Reports of Committees Ought Not to Pass

Mr. Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Local Training Courses and Certification for All Maine Law Enforcement Officers" (H. P. 468) (L. D. 569) reporting "Ought Not to Pass"

Mr. Theriault from the Committee on Veterans and Retirement reporting same on Bill "An Act to Clarify the Intent Provision under the Maine Retirement Law" (H. P. 320) (L. D. 388)

Were placed in the Legislative Files

without further action pursuant to Joint Rule 17-A.

Ought to Pass with Committee Amendment

Mr. Carter from the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-72) on Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (H. P. 436) (L. D. 538)

Report was read and accepted and the Resolve read once. Committee Amendment "A" (H-72) was read by the Clerk and adopted and tomorrow assigned for second reading of the Resolve.

Consent Calendar First Day

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

Bill "An Act to Repeal Provisions for Assistant Chief of the Division of Inspection for Sardines" — Committee on Agriculture reporting "Ought to Pass" (H. P. 486) (L. D. 605)

Bill "An Act to Allow the Use of Initial Type Plates on Pickup Trucks" — Committee on Transportation reporting "Ought to Pass" (H. P. 62) (L. D. 74)

Bill "An Act Concerning Graves of Revolutionary War Veterans" — Committee on Veterans and Retirement reporting "Ought to Pass" (H. P. 64) (L. D. 76)

Bill "An Act Providing Funds for a Fishway at Sherman Lake Outlet in Newcastle" — Committee on Marine Resources reporting "Ought to Pass" (H. P. 221) (L. D. 277)

Bill "An Act for the Humane Treatment of Animals in Schools Public and Private" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-73) (H. P. 457) (L. D. 561)

Bill "An Act Making Supplemental Appropriations for Child Welfare Services" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-68) (H. P. 442) (L. D. 540)

Bill "An Act to Clarify the Short Form Deeds Act" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-69) (H. P. 172) (L. D. 203)

Bill "An Act Relating to Guardianship of Incapacitated Adults in Need of Protective Services" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-70) (H. P. 256) (L. D. 304)

Resolution, Proposing an Amendment to the Constitution to Provide for a Four-year Term of Office for Sheriffs — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-71) (H. P. 42) (L. D. 54)

Bill "An Act Relating to the Sale of Vinous Liquors in Original Containers" — Committee on Liquor Control reporting "Ought to Pass" (S. P. 183) (L. D. 584)

Bill "An Act to Create a Law Enforcement Education Section within the Criminal Division of the Department of the Attorney General" (Emergency) — Committee on State Government reporting "Ought to Pass" (S. P. 141) (L. D. 444)

Bill "An Act Relating to Possession of Intoxicating Liquor by Persons under 18 Years of Age in On-sale Premises" (S. P. 181) (L. D. 582) — Committee on Liquor Control reporting "Ought to Pass" as amended by Senate Amendment "A" (S-23)

Bill "An Act to Provide for Renewal of Notary Public and Justice of the Peace Commissions" (Emergency) (S. P. 116) (L. D. 381) — Committee on State Government reporting "Ought to Pass" as amended by Senate Amendment "A" (S-22)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 14 under listing of Second Day.

Passed to Be Engrossed

Bill "An Act Relating to Penalties and Employment Remedies for Unpaid Wages" (H. P. 854) (L. D. 991)

Bill "An Act Concerning Appeals from a Determination that an Employing Unit is an Employer Subject to the Employment Security Law" (H. P. 853) (L. D. 990)

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

Amended Bills

Bill "An Act to Extend the Time Limit for Filing a Claim Under a Mechanic's Lien" (H. P. 84) (L. D. 111) (C. "A" H-65)

Bill "An Act Relating to Interest Awards in Workmen's Compensation Cases" (H. P. 487) (L. D. 606) (C. "A" H-64)

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

Passed to Be Enacted Emergency Measure

An Act Relating to Experimental Signs at Railroad Crossings (S. P. 109) (L. D. 363)

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. 128 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 Incorporate the Town of Benedicta School District (H. P. 200) (L. D. 245)

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 none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Increasing Indebtedness of Calais School District (H. P. 475) (L. D. 595)

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. 125 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.

Passed to Be Enacted

An Act Relating to Animal Welfare (S. P. 48) (L. D. 129)

An Act Enabling Classification of Residents of State Institutions as Resident Pupils (S. P. 143) (L. D. 507)

An Act Increasing the Amount of Real and Personal Property which may be Held by Knox Agricultural Society (H. P. 242) (L. D. 319)

An Act Relating to Applications for Insurance License under the Maine Insurance Code (H. P. 315) (L. D. 391)

An Act to Require Reports of Certain Communicable and Notifiable Diseases to be Made to the Director of Health of the Department of Health and Welfare (H. P. 684) (L. D. 807)

An Act to Transfer Responsibility for Forest Management of Indian Township to the Commissioner of Indian Affairs (H. P. 711) (L. D. 818)

An Act to Create the Maine Correctional Advisory Commission (H. P. 712) (L. D. 819)

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

Finally Passed

Resolve, Authorizing the Exchange of Certain Public Reserved Lands.

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentleman of the House: Before we take action on Item 11, which is a Resolve authorizing the exchange of certain public reserve lands, I felt I should enter a few words into the record concerning this bill, because it really is a very historic bill.

Briefly, I will try to trace the background of how this bill came about. As you all know, Maine has something in the vicinity of 400,000 acres of public lots, and these lots were set aside, 1,000 acres in each township of 23,000 acres back in colonial days and each of these lots were to be used either for education, if the town became organized, or for the use of the minister. There has been continuing controversy over the years because of these public lots. Just after the Civil War there was a great deal of difficulty in controlling timber thieves on them and so the grass and timber rights on these lots were sold in many instances for very little money.

Now, there has been a continuing struggle for the state to reassert its rights over these public lots in these grass and timber rights. The last legislature created a special select committee on public lands which investigated this entire situation. The question was also taken to the Supreme Court where the question of the rights has still not been resolved and a final confrontation occurred with the creation of a Grand Plantations Bill by the special committee on public lands, a bill that did not pass.

At the same time that this controversy was going on, many people felt that there might be a way to settle this problem without some of the turmoil that accompanied it and so negotiations were begun between at least one of the large major landowners in the area, the Great Northern Paper Company and the State through the Bureau of Public Lands. These negotiations continued for some time and finally they were successfully concluded with a swarth of land between the State of an area of approximately 59,000 acres in exchange for scattered, inaccessible public lots throughout the State, the State received five choice parcels of land, prime recreational land, in many instances located on beautiful bodies of water. The five areas are Chesuncook and Gero Island, the Debouille Mountains, Township 6, Range 11, which is right adjacent to the Baxter State Park, Little Squaw, and the Holey area. In that annual income gain to the State because of this exchange exceeds a \$100,000 and that one-time gain exceeds a \$179,000 and the net one-time gain in value is over \$500,000.

I have spoken today because I would like to pay tribute to the members of the Bureau of Public Lands, the original members of the joint select committee on public lands who worked on this problem, put in a great deal of effort with hearings held all over the State, and to the Great Northern Paper Company, who had the wisdom and good sense to operate in this fashion. I also want to report that I hope we will enact this law today, there are other negotiations under way now between other landowners in the area in the State with the prospect that the State can recover some more valuable recreational lands for its people.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentleman of the House: I want to let you know that it is not like they tell you it is a hundred percent, because you do not get something for nothing. When you take over these public lands, it looks like a good deal, as the previous speaker has made it look like a good deal, but you take over a lot of expenses and other things that we do not want in my area.

We were satisfied with the public lands the way they were, and the way they are going to be is going to be a tremendous burden and expense to the State of Maine eventually, because they are going to have to have fire wardens and men to pick up the litter and they will find jobs for many more.

In my tenure here, I have always been against and I still am, of increasing the State payroll and putting another 500 people on the payroll like we do nearly every time this legislature meets.

If we don't do it this year, but once we do take them over, then we have to supervise it, build the roads, plow the roads, pick up the litter, look for the people on it that are lost and the old school buses they buy for \$50 to go in there and park, etc., these have to be looked after. What I am trying to tell you is that you do not get something for nothing. When you take this over, you also take over the expense that goes with it and this is going to be tremendous as time goes on.

I just want to be on record, like so many other times I have been able to say "I have told you so" but they are not fooling me. They may fool the House, and no doubt they will, but they are not fooling me and I want it to be on record so you will know

what we are getting into. We were getting some tax out of this and we are not going to get any tax, we are going to swap a small tax income for a good big layout in tax dollars from people who can least afford to pay in these times. As time goes on, this will get bigger and bigger, so what you are doing, you are swapping a small income for a big expense as time goes on. I want you to know this so that some day I can say, "I told you so."

Thereupon, the Resolve was finally passed, 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:

House Divided Report — Majority (11) "Ought to Pass" — Minority (2) "Ought Not to Pass" — Committee on Fisheries and Wildlife on Bill "An Act Relating to Hunting Pheasants" (H. P. 346) (L. D. 430)

Tabled — March 11, by Mr. Mills of Eastport.

Pending — Acceptance of either Report.

On motion of Mr. Hobbins of Saco, retabled pending acceptance of either Report and specially assigned for Tuesday, March 18.

(Due to technical difficulties, some remarks on the tabled and today assigned matters were not able to be transcribed.)

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

House Report — "Ought to Pass" — Committee on Taxation on Bill "An Act to Impose a Sales Tax on Rental Fee for Cable T.V." (H. P. 126) (L. D. 159)

Tabled — March 11, by Mr. Jacques of Lewiston.

Pending — Acceptance of Committee Report.

On motion of Mr. Drigotas of Auburn, retabled pending acceptance of the Committee Report and specially assigned for Tuesday, March 18.

The Chair laid before the House the third 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 11, by Mr. Talbot of Portland.

Pending — Acceptance of Committee Report.

On motion of Mr. Talbot of Portland, retabled pending acceptance of the Committee Report and later today assigned.

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

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) (C. "A" H-62)

Tabled — March 12, by Mr. Smith of Dover-Foxcroft.

Pending — Passage to be Engrossed.

On motion of Mr. Rolde of York, tabled unassigned pending passage to be engrossed.

Mr. Smith of Dover-Foxcroft presented the following Order and moved its passage:

WHEREAS, it appears to the House of Representatives of the 107th Legislature that the following are important questions of law and that the occasion is a solemn one; and

WHEREAS, it is the desire of the 107th Legislature to enact legislation to fund a Spruce Budworm Control Program for the calendar year 1975; and

WHEREAS, there is pending before the House of Representatives of the 107th Legislature a bill entitled "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," House Paper No. 560, Legislative Document No. 689, as amended by Committee Amendment "A" of the Committee on Appropriations and Financial Affairs (Filing No. H-62), which Committee Amendment has been adopted by the House; and

WHEREAS, Article IX, Section 8 of the Constitution of the State of Maine requires that taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally according to the just value thereof; (except that certain specified types of real estate may be valued as to current use and in accordance with legislative conditions); and

WHEREAS, the constitutionality of the proposed bill as amended or in the alternative without the Committee Amendment has been questioned as it relates to that Section of the Constitution; and

WHEREAS, it is important that the Legislature be informed as to the answers to the important and serious legal questions hereinafter raised; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House, according to the provisions of the Constitution on its behalf, their opinion upon the following questions, to wit:

Question No. 1: Would the provisions of Legislative Document No. 689 (Exhibit A) as amended by Committee Amendment "A" (Exhibit B) an Act now pending before the House of Representatives of the 107th Legislature if enacted into law unconstitutionally apportion and assess a tax upon real estate in violation of Article IX, Section 8 of the Constitution of the State of Maine?

Question No. 2: If the answer to the first question is in the affirmative, would the provisions of Legislative Document No. 689 (Exhibit A), if enacted into law without Committee Amendment "A" (Exhibit B), unconstitutionally apportion and assess a tax upon real estate in violation of Article IX, Section 8 of the Constitution of the State of Maine?

Question No. 3: If the provisions of Legislative Document No. 689 (Exhibit A) with or without Committee Amendment "A" (Exhibit B) do not violate Article IX, Section 8 of the Constitution of the State of Maine is the classification of persons subject to the tax in violation of the Constitution of the State of Maine?

The Order was read.

On motion of Mr. Smith of Dover-Foxcroft, pursuant to House Rule 41 tabled pending passage and tomorrow assigned.

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

Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing." (H. P. 273) (L. D. 327) (C. "A" H-58)

Tabled — March 12, by Mr. Mulkern of Portland.

Pending — Passage to be Engrossed. Tabled and later today assigned.

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

Bill "An Act Relating to the Use of Colored Lights on Certain Fire and Emergency Vehicles." (H. P. 411) (L. D. 499) In House, Passage to be Engrossed — Reconsidered.

Tabled — March 12, by Mr. McKernan of Bangor.

Pending — Adoption of House Amendment "A" (H-63).

Mrs. Post of Owls Head moved the indefinite postponement of House Amendment "A".

The SPEAKER: The pending question is on the motion of the gentlewoman from Owls Head, Mrs. Post, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

Mr. Binnette of Old Town moved the indefinite postponement of the Bill and all accompanying papers.

Mr. Finemore of Bridgewater requested a division.

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

A vote of the House was taken.

21 having voted in the affirmative and 104 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

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

Bill "An Act Relating to Issuance of Motor Vehicle Registrations by Municipal Officials." (H. P. 834) (L. D. 961)

Tabled — March 12, by Mr. MacEachern of Lincoln

Pending — Passage to be Engrossed.

Mr. MacEachern of Lincoln offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-74) was read by the Clerk.

Mr. Farnham of Hampden moved the Indefinite postponement of House Amendment "A".

(Due to technical difficulties, some of the remarks on this item could not be transcribed.)

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentleman of the House: I apologize for speaking so many times this morning, but speaking for Aroostook County alone, this bill isn't much good to us unless we have the amendment, because up in Aroostook County about 50 percent of the vehicles are trucks, and I mean from Fort

Kent through to Island Falls and Benedicta because we have a lot of trucks.

As far as licensing is concerned, I have handled the excise tax for four years now, so I probably understand trucks a little better than the average. It is no job to find out the cost. You have got them right in your book. You have a revised statutes of the motor vehicle laws of 1973 available. All you have to do, you have a page mark and it gives you every registration of what their possible registration is and what the minimum would be right along down through.

Again, to add to that, I would say that 7 out of 10 people who come in to register trucks bring their own registration with them. In doing so, all you have to do is copy it off.

So I say this morning, if we are going to pass the bill at all, I might add here that this bill, I had it last year, I withdrew it, asked leave to withdraw, just for the stipulation in that truck law. And to pass this bill without it would be discriminating against truck owners in Aroostook County and I believe the rest of the State of Maine.

I hope this morning you will go along with the amendment. If they are going to get one dollar, if the excise tax collector is going to get one dollar for making out these licenses, I don't think he is going to object to five or ten or fifteen minutes work. I hope you will go along with the amendment.

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

Mr. PALMER: Mr. Speaker, I would pose a question through the Chair to anyone who may care to answer. When the excise tax collector takes the dollar and the application, do they immediately give the sticker then or is this sent by the Secretary of State at a later date?

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

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

Mr. FARNHAM: Mr. Speaker and Members of the House: In answer to the question raised by the gentleman from Nobleboro, Mr. Palmer, he would get his little tabs as soon as he paid his registration fee and the one dollar. Now, when the year comes when we all get new plates, nothing will be done in the town office except paying your excise tax. We are not going to burden the town office with thousands of plates and all the complications that go with it where people want name plates and special numbers and all that hullabaloo.

I would like to have you think, though. This is something new, and it is going to be a burden in town offices. And not every town excise tax collector in these villages of two or three hundred people have the intelligence and the know-how of the gentleman from Bridgewater, Mr. Finemore. He is an authority. But a lot of these people are women, and they don't know a ten-wheeler from a pickup.

I think it is a good bill and I would just like this body to give the bill as it now stands a fair trial for at least two years until these people get accustomed to handling it. There are objections from many towns on taking this over. Give them a chance to prove that they can handle it and then it will be very easy to amend it two years from now to include trucks.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Willong.

Mr. WILFONG: Mr. Speaker and Members of the House: I am the cosponsor of this bill and when we first drafted the bill with the aid of the Secretary of State and the Motor Vehicle Division, Mr. MacEachern and the other sponsors felt that the best thing we could do was give the Secretary of State all the leeway he needed and the towns the leeway they needed, if they wanted to become agents of the Secretary of State or not.

Not every town will become an agent of the Secretary of State unless they so desire. And the Secretary of State will have to accept them as agents. So I don't think there is any problem. If the town doesn't want to be an agent of the Secretary of State and issue truck registrations, they won't have to. I think this is a convenience, and it is our responsibility in government to make laws that are convenient to our citizens, and this is a thing of prime importance to the municipal officers, because municipal officers are concerned with home rule.

I spoke to five town meetings so far this year, and I have mentioned this particular piece of legislation to every one, and at every one of those town meetings it was met with great enthusiasm and support.

I agree with the gentleman from Aroostook County, Mr. Finemore, in that if we do not include truck registrations, then we would be discriminating against a large segment of the motor vehicle registration process, and I would move that we accept this amendment.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Just one more comment: This amendment is discretionary with the Secretary of State's Office. I am sure the Secretary of State's Office is not going to authorize any town of 300 people to issue truck registrations. In fact, they won't be issuing registrations at all. I am sure, in his wisdom, he can decide who would be competent and who would not. I again urge you to pass this amendment.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I believe I couldn't sleep tonight if I didn't answer the gentleman from Hampden, Mr. Farnham. I have four in my district, the Town of Blaine, the Town of Bridgewater, the Town of Monticello, town managers for several years, lady town managers, and I will defy him or anyone else to find any better qualified towns to issue licenses or anything else, or any better handled food stamps or any of the items in the town business, assessors or anything else, and if he would like to see towns that are well handled, towns that are financially capable of handling themselves and handling the hard times like they have, I would like to see them, even if they are in the Town of Hampden.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: May I ask a question? If we accept this amendment, could the town officers decide just to take the cars and not the trucks?

The SPEAKER: The gentlewoman from Old Orchard Beach, Mrs. Morin, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, to answer the question, the Secretary of State has the determination on his shoulders to allow them or not to allow them, and the whole thing hinges on the request by the municipality. I am sure if they didn't wish to issue truck registrations, they wouldn't be required to.

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

A vote of the House was taken.

10 having voted in the affirmative and 110 in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the eighth 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 12, by Mr. Usher of Westbrook.

Pending — Acceptance of either Report.

On motion of Mr. Usher of Westbrook, the Majority "Ought not to pass" Report was accepted in concurrence.

The Chair laid before the House the first tabled and later 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)

Tabled — by Mr. Talbot of Portland

Pending — Acceptance of Committee Report

On motion of Mr. Talbot of Portland, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-18) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing" (H. P. 273) (L. D. 327) (C. "A" H-58)

Tabled — by Mr. Talbot of Portland

Pending — Passage to be engrossed

Mr. Talbot of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-76) was read by the Clerk.

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

Mrs. BACHRACH: Mr. Speaker and Members of the House: This amendment is an answer to some of the objections made to the bill by the landlords who rented to the people involved. They put forward to us the thought that under some

circumstances they might want to refuse to rent to people on welfare or with families for other reasons than those expressed in those words, and therefore we inserted the word "solely" so that would not be the only reason for refusing to rent to families who had poor records for paying rent or taking care of the property or whatever might be involved.

The second part of this amendment refers to the second page of the bill where banks would be prohibited under the original wording from requesting to know about family size or composition when granting loans to families. It was felt that this was very germane to the matter of granting loans; therefore, the amendment asks that you strike out the third line from the end of this section, the phrase "family size or composition."

We feel that these two amendments will make it much easier for the landlords to live with this while protecting the interests of people on welfare and with large families.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you have read L. D. 327 and, if not, at least have read the statement of fact.

The statement of fact says that one of the largest housing problems in the State of Maine relates to discrimination by potential landlords against families receiving public assistance, and it goes further into this.

There was opposition to this bill at the hearing because of this statement, which is covered in the second paragraph of the bill, by the way, because a number of the opponents, or I would say all of the opponents were opposed because a number of recipients of welfare have a history of not paying their rent, and the landlords knew that there was no way that they could gain back rental payments after they had been evicted.

But the thing that bothers me the most about this bill is that subtle first paragraph which isn't even mentioned in the statement of fact. And there it says that no person can refuse to rent any residential property to any family with children. It doesn't say anything about the fact of whether they are welfare recipients or not. It just says that you cannot refuse to rent to a family with children. There was opposition to the bill based on this fact, not just because they were landlords but because there are a number of rentals that are utilized by elderly people who want to live in residences where there are no children. And to impose this restriction on a landlord would also be offensive to someone that has already rented one of those apartments, because he doesn't want children in the area.

I move the indefinite postponement of this bill and all its accompanying papers.

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

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I think there might be some misunderstanding about this bill. This does not require one to rent to families with children just because they show up at your door. What it does say is that you cannot systematically

discriminate against people solely because they have children in their families. It doesn't mean that if you have a multiple family house, people who want it quiet, that a person who comes to your place and asks to rent, they have got six children all under the ages of 8 years old, or something like this, they are obviously going to make a racket, then you do not have to rent to those people.

On the other hand, the person comes to that same unit, has a 10 year old child, quiet, not going to make noise, the person doesn't have the right to turn everybody away just because they have children. They can make the choice of the kind of people they want to live there. They can't turn away people just because they are black or yellow or red, just because they are Jewish, Catholic or Protestant, just because they are handicapped. But in all of those cases, they can also still have the authority to say that this particular individual, evaluated on its merits and the kind of people that they are, may be accepted or rejected. That right is still maintained.

I just want to clarify that. That is not a valid argument. I feel, in opposition to this particular proposal, and I would hope you would vote against indefinite postponement.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentleman of the House: I think many times that landlords, being in that position myself in the past, find themselves confronted with many problems other than children. I have always let my apartments to people who have children, but you would be surprised with the white trash that we have in this state with no consideration for the landlord, no consideration for what he has to go through, and this is a very important problem for them. They leave their apartments in such a mess that you wouldn't even want to go in to look at it. They fly by night, and if you want to get someone out, you have to go to court. This is a problem that should be considered very very seriously by the people of this legislature.

I know many times I vote for things that I feel are in the best interest of the people, but I also feel that everybody has equality, and that includes the landlord. And I know what it has cost me to have people put out, and I know what it has cost me to fix up their apartments after they have left, and I think there is more to this than just whether they have children or not.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I rise to oppose the motion of the gentleman from Wayne, Mr. Ault. This measure does not provide any special privilege to people who are on welfare or have large families. It merely gives them a fair shake. This is intended to provide people who feel that they have been discriminated against solely because of their status as a recipient of government assistance, of whatever type it might be, or because of the size of their family. It is not an attempt to force landlords into untenable situations for removing people who obviously disregard the rights of the landlord or the property that they are living in. The intent is merely to provide these people who suffer some of the other problems with at least a little bit of reassurance that they won't continually run into the problem of being refused

because they have four children, which happens time and time again.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentleman of the House: I probably can speak with more authority in this one area than anybody in this House. My family has been in the trucking business for about 75 years, and I have been in more apartments moving furniture in and out than anyone else here, I am sure. It doesn't make any difference how many children you have. I have seen apartments with six and seven children clean as a whistle when we have moved them in, seen just a young married couple, move them out three months after they had moved in and the place was a mess. It doesn't really make any difference how many kids. Noise — granted. Responsible parents with four kids, two kids, no children, are going to keep a clean apartment. That is not the problem at all.

I move when we vote it be by the yeas and nays.

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

Mr. DAM: Mr. Speaker, Ladies and Gentleman of the House: I guess I have got to start using throat lozenges because maybe I smoke too much and even with the smoking ban that my seatmate passed evidently it is not helping me because evidently I can't get my voice up to the right pitch to project it forward, but I will start using lozenges this afternoon so when we get down so I can buy some so that I can address the Chair in a more loud tone of voice so the hearing won't be affected.

I have been in this session, now this starts my fourth term. I have been a landlord, I am a landlord. I have never opposed any housing bills that have been reasonable for the protection of the tenant and I do not oppose this bill. It has always been my philosophy that landlords that oppose legislation such as this are really slum landlords and you always get a tenant that will live in a class of apartments or rental housing that you have. Now, there is nothing in this bill that would prohibit anyone from following the same practice that they have now. If that practice is to get two weeks rent advance or require a deposit, they can still do this, they can still be selective, but it has always been, for the last three terms that I have been here, the people that opposed these bills are the ones that want to profiteer on the poorer people.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentleman of the House: I would very briefly like to call your attention to the second paragraph in this legislation. We have been hearing a lot about families with children, this bill also protects the elderly against discrimination in housing. Elderly recipients of SSI, elderly recipients of local public assistance, elderly recipients of medicare. It sometimes bothers me to hear the elderly used as an excuse for a piece of legislation in a negative way and that the elderly want to be segregated and live by themselves. I probably know more elderly people than anyone else in the chamber and most of them love children and most of them really do not want to be segregated alone in society. I think that is a very weak excuse to vote against the bill, this bill protects the elderly.

The SPEAKER: The Chair recognizes

the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Ladies and Gentleman of the House: Just for a few minutes I would like to, for your benefit, tell you some of the people who testified in behalf of this piece of legislation.

There was Attorney Severin Beliveau who was representing the Home Builders' Association; Mrs. Terri Anne Lunt-Aucoin, the Maine Human Rights Commission; Susan Emery, United Low Income of Augusta; Philip Houle, Attorney representing Community Counseling Services of Portland; Joanne O'Toole representing Human Services Council Public Assistance Committee, Judy Murphy, VISTA volunteer from Lewiston; Mr. Earl Glascock from Lewiston, and Mrs. Mary Brown from Pine Tree Legal.

Mr. Speaker, I think that we have to at least summarize that these people represent those people out in the general society who are dealing with the human rights of people. This bill had a good hearing it did have opponents, they were all landlords, I presume, from what I have in front of me. There were six landlords from different parts of the state who testified against the bill.

Mr. Speaker, I do hope that when we vote we vote for this piece of legislation.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I would like to ask a question of anybody who might answer. I am not a landlord but I am just wondering if I had an apartment that could accommodate three, four or five adults, but could not accommodate three four or five children, because of the plumbing situation, would I be forced to take those children and install plumbing that would satisfy children but would not necessarily have to satisfy adults?

The SPEAKER: The gentleman from South Portland, Mr. Perkins, poses a question through the Chair to any member of the House who may answer.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentleman of the House: I think the answer to that question is clearly no. The ideas for units that are available for people, people can not be crowded into units which are not appropriate or not be forced to use units which are not appropriate. I think the same general rule would apply to people who have other kinds of disabilities or other kinds of differences for which an apartment was not arranged.

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

Mrs. BERRY: Mr. Speaker and Members of the House: May I ask a question through the Chair? Would it still be possible for landlords to advertise their rents for adults only or no children — this type of advertising.

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, poses a question through the Chair to any member of the House who may answer.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I believe it would not be allowed. I think the point of this bill is not to allow people to discriminate in rentals, solely because of the fact that people have children. So you would not be able to advertise, as far as I understand it,

maybe some one is going to correct me, and this is probably going to be a tough thing to swallow for some people, not to say across the board you will not rent to children at all. Now, I suppose the only alternative would be to say that if there was a small efficiency apartment or something that certainly was not designed for children, that was clearly not available, in that case, I think that probably should be noted just so people don't go on a wild goose chase. If you have an apartment that is large enough to accommodate children as well as not then I don't believe it would be appropriate just to advertise no children, that is a part of this bill that is important. I may be wrong.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to those people who are so concerned for the landlords that the landlords renting to welfare and SSI recipients, that at least those recipients do have a steady income to pay their rent.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I am sort of in a funny position here because I don't want to disagree with the sponsor of this piece of legislation but I do believe, in my own self, that he is wrong in so far as advertising is concerned. This bill doesn't address itself to the advertising at all and furthermore, as I understand it, the landlord does have the right to refuse a family with children if he has a foundation for that refusal.

So, Mr. Speaker, I would say that from my limited knowledge that you can still ad in the paper advertising no children.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Members of the House: If I remember correctly it was brought out clearly at the hearing that you could not advertise in the paper, no children.

There are a couple of things concerning Mr. Henderson has used the term clearly twice saying in this legislation that clearly a person could refuse to rent to children if his apartment wouldn't hold them and he mentioned another time, I believe, as far as a number of rooms or something is concerned but it is very clear to me that it is unlawful for any person to refuse to rent residential property to families having children, or single parent families or to restrict the rental of a residential unit to a number of related persons less than can comfortably and safely occupy such unit solely because of status of such families etc. It clearly says you can not refuse to rent to families with children and I am sure that one of the questions that is going to be brought up is, who determines what is comfortable and safe as far as occupation goes. I am sure that the one that is going to end up determining that is the Human Rights Commission.

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

Mr. DEVANE: Mr. Speaker and Members of the House: I would pose a question to the sponsor through the Chair. The first time that Mr. Henderson rose to speak on this L.D., he said, I believe that the act prohibits systematic refusal. Could the sponsor show us where in the act it says anything about systematic refusal?

The SPEAKER: The gentleman from

Ellsworth, Mr. DeVane, poses a question through the Chair to the gentleman from Bangor, Mr. Henderson, who may answer if he wishes.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman for his question. It does not say in the bill systematic refusal, but the point I was trying to get at was that a person could refuse to rent to a person with children if there were valid reasons why that person did not want to rent to that family.

Now, I guess, what I meant to say by systematic would be this, if a person has a rental unit which is large enough to have a family with children and he has got thirty-five hundred people come to his door over the course of so many years and strangely enough all the people who had children never were given an opportunity to rent that unit, I would think in terms of enforcement, that would be the way somebody would come to the conclusion that person was violating the intention of this law. I think that the same kind of principle applies with respect to Civil Rights and other kinds of legislation. You can turn a person away, you can turn a black person or a white person away from your door if you don't want to rent to a person of that color or race or whatever, but if you do it a hundred times in a row then some people get the feeling that is the major reason for which you are turning them away.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHERACH: Mr. Speaker and Members of the House: We have not read over the section 4583 which covers some of the objections being made at this time which says nothing in this act shall be construed in any manner to prohibit or limit the setting up or enforcing of specifications in selling, leasing or renting of the particular apartment. In other words, the landlord can specify certain requirements as long as they are not based on the fact that the person has children or is on assistance. The specifications that he sets up must not be related to those two aspects but he may have other specifications for tenants.

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

Mrs. LEWIS: Mr. Speaker and Members of the House: This bill seems to me to be very discriminatory against low income people. Well-to-do people can find a rent where they want it just as they always have but low income people, under this act, would have to live in buildings where the landlord would not choose for them who their neighbors would be. I am really concerned with the low income people when I read this act.

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

Mr. DEVANE: Mr. Speaker and Members of the House: This act as it is written puts responsible people in the very difficult position of being caught between two very obvious goods, one that people should not be systematically discriminated against which it doesn't prohibit and the other that the ownership or property be afforded decent protection.

I would think that if the sponsor of the bill intended to prohibit systematic and unwarranted discriminations that the bill

should have been written to prohibit systematic discrimination, and not on a case by case which is nothing more than an allegation.

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

Mr. CALL: Mr. Speaker and Members of the House: In the 105th Legislature there were approximately fifteen bills opposing landlords in this House. We defeated twelve of them. One so-called escrow bill declared unconstitutional in another state I believe was dropped here when that was found out. I appreciate in particular what the gentleman from Westbrook, Mr. Laffin, said. I have had my experiences as you who were in the 105th Legislature know. One thing is perfectly clear and it is this, that in the minds of too many people the landlord is automatically a scoundrel. Landlord tenant bills invariably are aimed to discredit landlords, even to cause people who have never disliked landlords, to feel to do so and to feel that the landlord is somebody who should be detested. If we keep inferring that someone is a rascal, people will believe it.

There has been a determined drive for years to cause misery for landlords, to make them wish in some instances that the devil had their renting property.

On one occasion in the past when I did not have my receipt book with me a tenant was reluctant to pay me, stating that meanwhile, if I was struck and killed by a truck she would lose that money. I replied: "Do you mean to tell me in all sincerity that it wouldn't be worth eight dollars to get rid of me?"

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to bring our attention to the fact that even among the proponents of this measure we find a divergence of what it will do and what it means.

I would balance that against the fact that the gentleman from Wayne, Mr. Ault, has referred specifically to the language in the bill and this is what is going to be interpreted and enforced and I support his motion.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I have just been on the telephone with the Commissioner of the Human Rights Commission who knows about the legal aspects of this bill, and as I understand it, the gentleman from Wayne, Mr. Ault, is right to the extent that if you put an ad in the paper making a blanket statement that children would not be admitted to your premises that this could be a violation of the law. On the other hand, there can be extenuating circumstances when a landlord would not have to rent to children. For example, if the apartment were not suitable for children. For example, if there were other tenants in the apartment who worked nights or if there were a lot of elderly people who, for one reason or another, objected to a lot of noise. So, there are plenty of reasons. There are plenty of circumstances where the landlord can avoid having to rent to children. All this bill says is that the landlord cannot refuse to rent to children solely because there are children in the family, that is all it says, it doesn't say anything more than that.

The SPEAKER: The Chair recognizes

the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We have been talking entirely about rentals. I would like to call your attention to page two, and it says: "nothing in this act shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for . . ." and it goes on.

Are we going to get into the loan operations and tell people who are making loans that a person on public assistance cannot be denied a loan even though he has no means to repay it?

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

Mr. DYER: Mr. Speaker, Ladies and Gentlemen of the House: Having just gone through this procedure in court, losing about eight months rent from a family, which, I suppose at the time they were renting the apartment were good housekeepers — finally I ended up by not being able to collect rent for over seven months and being probably a good Joe, I finally, through the courts, had them evicted and they agreed very nicely to pay me five dollars a week to pay up their bill and I agreed to take that five dollars but they paid one week and that was the end of that. Besides losing the rent it cost me almost four hundred dollars to have people come and clean up the apartment after they left, so I have no choice but to support the motion of Representative Ault.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "Ought not to Pass" Report I felt I should get up and say a few things. First, I would like to say I don't own any rents and, furthermore, I don't intend to. I am sort of an easy going cuss so I guess perhaps I wouldn't make any money at it, but on the other hand, I am also an independent cuss. I feel that if I am going to invest my money for capital in a venture that I should have something to say about the way it is to be run. If I can't run a business at a profit and at my own satisfaction, I don't see any incentive in being in business.

Now, I think the thrust of this bill is roughly discrimination but I contend that discrimination is a two-way road. I mean, if you give to one you have to take away from somebody else to give to them. It seems to me that the person with the capital investment is on the defensive all the way down the line. If he refuses someone to rent and they disagree with him, they can go to the Human Rights Commission make a complaint, the owner could feel that he had good legitimate reason but if the committee should decide otherwise, then he has only two things that he can do, as I see it. He would either have to let them have the rent or either he would have to go to court. This would mean that he would have to hire an attorney and if the other individuals weren't able to pay for one he would also have to help pay for theirs. Then, on top of this, he has the State and Federal Housing Authority which are using his tax dollars to compete with him for building low cost housing. So, about now, this fellow is trying to scratch his head, he thinks, gee, I am being discriminated against and I can't do a darn thing about it. I feel that as we pass more of these regulations on the people on these rents by driving the rents higher and

higher and that I thought is the one thing we were trying not to do.

I would suggest that we could solve this problem if we let the department deduct the rent from recipients check and send it directly to the owner of the rents and I am sure there wouldn't be too many refusals.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up a couple of points. One being that well, first of all, let me clear up the point dealing with Mr. Lynch.

In the second part of the amendment we are striking out the word family, because that came up and the reason we are striking out the word family is because that when people make loans, when banks make loans, they ask the question of those receiving the loan what size family they have, one, two or three children in order to determine whether that person can pay back the loan. That would restrict them, so we are taking out the word family so that we will not be getting in the loan business.

Another thing I would like to bring up is the fact that I don't know how many people in this House have bothered to look for rents, but I have been through the whole gambit from one end to the other. I didn't want to bring this up; I didn't want to interject it, and I will try and be as careful as I can.

In 1964, the Maine State Legislature passed a rental housing bill which supposedly protected people of color, mainly blacks, from discrimination in rental housing. I stand here before you today saying that that didn't happen. People today still discriminate because people are black or because people are Puerto Rican, that still happens but has it helped? It has helped a great deal. And I would further say that just because a family with a certain size goes to try to find a rent and is denied, that does not necessarily mean that they are going to prosecute that landlord. That person has got to have a legitimate case, first of all, before he can even start, before he can even go to the Human Rights Commission. You just can't pop up there and say that is discrimination and this is it and now you are going to court, that cannot happen. It won't happen.

Speaking on the other point of systematic discrimination, that won't happen either. You cannot go to one apartment, be discriminated against to the best of your ability and say you are discriminated against systematically, that won't happen either.

I tried to find a rent in 1970 and I was refused for two straight years before I got a dump — dump. The City of Portland wanted to put me and my family out in the street, and I couldn't find a rent, and the Portland Renewal Authority said we will find one for you, which was their duty but they could not do it because we were a black family. They could not do it, and I, in the two years, struggled to find a rent and was discriminated against. I know this for a fact and I could go on about that, but I won't. I had to go to the court with a legitimate case with witnesses before I could even get into the court. They got it to the court, he was found guilty of discrimination in rental housing. He appealed his case, he was fined \$50. He appealed his case and it went to a jury court in Superior Court. It took two days and they found him guilty again and they fined him \$75 and I still didn't get the rent.

I was still in the street and I still bear the scars from that experience and my family still bears the scars from that experience.

This bill doesn't take any rights away from the landlord. It helps those people who are on assistance with families. Try it try going out in this world, in this state, and try to find an apartment; you've got problems. If you have children, you have more problems. If you are black, forget it. That is life. Let's look at the other aspect.

Where a person lives depends entirely on his outcome in life. His work, his schools, his employment, his social life, depends on where that person lives. It is very important. I don't have anything against landlords, they have a business, and we are here to protect the business as well as we are the people. I still don't think we should get caught up in all of this dogma on the fact that the landlords are going to lose all their rights and all of a sudden they are all going to end up in court — it is foolish. That is not the case.

I have a responsibility, as you have a responsibility, to see that good legislation is passed. If I didn't think this was good legislation, then I wouldn't put my name on it. All I am saying is, let's look at the facts, they are equal. If that person looking for an apartment doesn't have a legitimate case in the first place, then the landlord doesn't have anything to worry about. It cannot be prosecuted just a whim. On the other hand, if the landlord has a legitimate case, if he says the apartment is too small for six children or the walls aren't thick enough for children, then he has a legitimate case — it is equal.

I sincerely hope that this body would look at this piece of legislation as far as the facts are concerned. I sincerely hope that you will not go along with the gentleman from Wayne, Mr. Ault's motion to indefinitely postpone. Mr. Speaker, ladies and gentlemen, thank you for your patience.

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

Mr. PELOSI: Mr. Speaker, may I have a ruling? If I vote on this issue, would I have a conflict, where I am a landlord?

The SPEAKER: The Chair would advise the gentlemen and members of the House that the ethics legislation under which we operate provides for a mechanism, if a person feels that he or she should not vote, they can get and request an advisory opinion. Second, if someone else feels there is a violation by a member of the legislature in voting on pending legislation which might affect their income, anyone may bring a charge before the Ethics Committee for a violation of the Ethics Law pursuant to that section of the law. The Chair would advise the members of the House that Rule 19 provides that if a person in his own conscience feels that there is a conflict with the legislation now before us, that he or she may request permission to be excused from voting by the Chair.

In view of the fact that as of this point, no person or landlord on this particular issue has requested an opinion from the Ethics Committee. The Chair would advise the gentleman and members of the House that the proper route if she or he personally feels that there is a conflict, that he or she should request permission to abstain from voting on the issue. As of this point, one member of this body who is a landlord has already requested permission to be excused from voting.

The Chair recognizes the gentleman

from Caribou, Mr. Peterson.

Mr. PETERSON: I would like to be excused from voting.

The SPEAKER: The gentleman from Caribou, Mr. Peterson, requests permission to refrain from voting.

The permission is granted.

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

Mr. NORRIS: I ask permission to be excused from voting.

The SPEAKER: The gentleman from Brewer, Mr. Norris, requests permission to be excused from voting.

The Chair grants that request.

The Chair would also grant the request of the gentleman from Solon, Mr. Faucher, who had previously requested that and it is so granted.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: As a point of information, it is my recollection that in the language concerning this situation, that an individual who was not being treated any differently than any other member of his occupation or profession should not have a conflict of interest.

The SPEAKER: The Chair would rule in the affirmative pursuant to the Ethics Commission. The Chair would advise the gentleman to take the House Rules and House Register, refer him to Page 101, House Rule 19, which says, "Any member who shall be in the House when the question is put when he is not excluded by interest, shall be given his vote, unless the presiding officer for reasons shall excuse him." It is on that basis that I am excusing members from voting on the issue.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentleman of the House: Personally, and this is only my own observation, and maybe we ought to wait until we can get a ruling on this, I don't think it is fair for members of this House who are landlords to be prohibited from voting on this, any more than it should be for those of us who are tenants and landlords.

The SPEAKER: The Chair would advise the gentleman from Bangor and members of the House that no one is prohibited from voting on the issue. The question is simply on whether or not a member wishes to be excused from voting and the Chair is granting that request.

Mr. Henderson of Bangor was granted permission to speak a third time.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentleman of the House: I understand that this is not mandatory but I think some people feel in an uncomfortable position having to request that permission at this time. In addition, several comments have been made with respect to the wording of this, especially in terms of systematic or not discrimination and if that ought to be clarified, the gentleman from Ellsworth, Mr. DeVane, has indicated that that might be helpful and, therefore, it might be amended so that we can vote on the issue clearly and also vote on it later when people understand exactly whether they can or cannot vote on this issue.

I would hope at some point, without cutting off the speakers who might want to speak forthwith, that this might be tabled for one legislative day.

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

Mr. MCKERNAN: Mr. Speaker, Ladies

and Gentleman of the House: I agree with the gentleman from Bangor, Mr. Henderson, this should be tabled, mainly because I had some reservations about this bill when it was originally introduced. Those, however, were cured by the debate brought by the gentleman from Portland, Mr. Talbot, and the gentleman from Bangor, Mr. Henderson, with the insertion of the word "solely." However, after the gentleman from Wayne, Mr. Ault, spoke, I hastily reread the bill and I am not sure that House Amendment "A", which inserts the word "solely" on one line of this bill, does what the proponents seem to think that it does.

The way that I read the amendment, the word "solely" only modifies that part which says that you can't restrict the rental of residential property because of the status of such, solely because of the status of such families. It does not modify the parts which deal with the refusing to rent residential property to families having children or to single parent families. I think this should be solely inserted in each of those phrases as well. With the assertion of "solely" throughout this bill, I would be more than happy to support it. In fact, I do support it as long as that word is in there, and for that reason, I think it should be tabled.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, I move this article be tabled for two legislative days.

The SPEAKER: The Chair will order a vote. The gentleman from Blue Hill, Mr. Perkins, moves that this item lay on the table for two legislative days pending the motion of Mr. Ault of Wayne to indefinitely postpone. If you are in favor of tabling this measure for two days you will vote yes; those opposed will vote no.

A vote of the House was taken.

100 having voted in the affirmative and 14 in the negative, the motion does prevail.

On motion of Mr. Goodwin of South Berwick, the House reconsidered its action of earlier in the day whereby Bill "An Act to Provide Staff for the Regulation of Pre-School Facilities," House Paper 886, was referred to the Committee on Education.

On motion of the same gentleman, tabled pending reference and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Dam of Skowhegan, Adjourned until twelve o'clock noon tomorrow.