

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 18, 1975

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

Prayer by the Rev. Jack Stewart of Lincoln.

The members stood at attention during the playing of the National Anthem by the Mattanawcook Academy Band of Lincoln.

The journal of the previous session was read and approved.

Papers from the Senate

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

Reports of Committees**Leave to Withdraw**

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Requiring the Registration of Off-highway Vehicles" (S. P. 77) (L. D. 217)

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Permit Archery Hunting Without a License in Certain Cases" (H. P. 255) (L. D. 323) on which the House accepted the Minority "Ought to Pass". Report of the Committee on Fisheries and Wildlife and passed the Bill to be engrossed on February 27.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. MILLS: Mr. Speaker, I move we insist and ask for a Committee of Conference.

Whereupon, on motion of Mr. Palmer of Nobleboro, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Placing the Secretary to the Attorney General in Unclassified Service of State Government" (Emergency) (H. P. 419) (L. D. 505) which was passed to be engrossed in the House March 12.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-26) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Establish the Maine Safe Drinking Water Act" (H. P. 654) (L. D. 812) on which the House insisted on March 12 on its former action whereby the Bill was referred to the Committee on Health and Institutional Services.

Came from the Senate with that body having adhered to its former action whereby it was referred to the Committee on Public Utilities in non-concurrence.

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

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
Resolve, Providing Funds for Young Women's Christian Association Fair

Harbor Emergency Shelter in Portland, Maine, and Emergency Shelter for Girls (H. P. 906) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Placing Nonprofit Hospital or Medical Service Organizations under the Maine Insurance Code" (H. P. 902) (Presented by Mr. Peterson of Caribou) (Cosponsors: Mr. Powell of Wallagrass Pl., Mr. LeBlanc of Van Buren, Mr. Perkins of Blue Hill)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 910) (Presented by Mr. Dam of Skowhegan) (Cosponsor: Mr. Faucher of Solon)

Committee on Reference of Bills suggested the Committee on Business Legislation.

On motion of Mr. Dam of Skowhegan, was referred to the Committee on Labor, ordered printed and sent up for concurrence.

Election Laws

Bill "An Act to Provide for Supervision of Elections By Municipal Clerks" (H. P. 907) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Preventing a Lien on Real Estate When Owner has Paid Contractor" (H. P. 896) (Presented by Mr. Dam of Skowhegan) (Cosponsor: Mr. Faucher of Solon)

Committee on Reference of Bills suggested the Committee on Judiciary.

(On motion of Mr. Gauthier of Sanford, tabled pending reference and tomorrow assigned.)

Transportation

Bill "An Act to Repeal the Requirement for Wearing Motorcycle Helmets" (H. P. 897) (Presented by Mr. Goodwin of South Berwick) (By request)

Committee on Reference of Bills suggested the Committee on Legal Affairs.

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

Mr. FRASER: Mr. Speaker, I move that items 6, 7, 8 and 9 be referred to the Committee on Transportation.

The SPEAKER: The gentleman from Mexico, Mr. Fraser, moves that items 6 through 9 inclusive be referred to the Committee on Transportation.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, could I have this tabled for one day?

Thereupon, Mr. Carey of Waterville withdrew his tabling motion.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CAREY: Mr. Speaker and Members of the House: These bills have perennially been heard by the Legal Affairs Committee in the past, and maybe the gentleman could explain to us why Transportation should get them suddenly.

Those of us who are veterans on the Legal Affairs Committee have amassed some knowledge about some of these bills, and we are particularly concerned. There

has been, for instance, a diversion of these bills, some going to us and some going to the Transportation Committee.

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

Mr. FRASER: Mr. Speaker and Members of the House: These are, in my estimation, clearly transportation bills. As a matter of fact, one of them is repealing one that we approved last session, which I believe was in error, and we have already heard one bill pertaining to motorcycles which almost created some casualties, so I think we should go on with it.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would admit that the Transportation Committee heard item 6, An Act to Repeal the Requirement for Wearing Motorcycle Helmets, and obviously if they have heard testimony on it before, that bill should go to them. The ones pertaining to lights on motorcycles, as Mr. Bustin from Augusta will recall, was heard by the Legal Affairs Committee, and I would object to the sending of all of these bills to Transportation.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I somehow rather disagree with the gentleman from Waterville, item 8, lighted headlamp on motorcycles, we had before us last time. This bill we heard before our committee when it became law, and I would think certainly that item 6 should go before Transportation, item 7 should, item 8 and item 9 I would have no preference, but I think items 6, 7 and 8 should go before Transportation.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker and Members of the House: I am sorry these are causing so much controversy right away. I am really not concerned about which committee they go to, I think both committees are equally able to handle the bills, but I do think items 6, 7 and 8 should all go to the same committee. They all deal with the same basic problems, and I just feel that they should all go to the same committee. I think perhaps the best way to do this is to table these things and work it out amongst the committees rather than have to fight it on the floor here.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: These three bills, items 6, 7 and 8, I sincerely believe that they do belong to the Transportation Committee, due to the fact that the motorcycles can't run anywhere else but on the highways. That is the only place I know they can go, and I think that perhaps the Legal Affairs have been very capable in their dealings with them in the past, but in this instance, I really believe that we should have that sent over to the Transportation Committee.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I had the opportunity to serve three terms on the Transportation Committee, and I agree with the gentleman from Mexico, Mr.

Fraser, and the other gentleman who spoke on these, but I would include item 9 also, because item 9 says the State Police to regulate the speed limits. The speed limits are regulated through Transportation.

I know Legal Affairs is a very capable committee; I am not disputing that, but reading these four House Papers, I don't think there is any question in my mind but they should all go to Transportation, and I would include item 9, because item 9 is the regulating of speed.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that this Bill be referred to the Committee on Transportation and ordered printed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
112 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Bill "An Act Concerning the Required Height of Motorcycle Handlebars" (H. P. 900) (Presented by Mr. Goodwin of South Berwick)

Committee on Reference of Bills suggested the Committee on Legal Affairs.

The SPEAKER: The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that this Bill be referred to the Committee on Transportation and ordered printed. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

115 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Bill "An Act to Repeal Provision for Lighted Headlamp on Motorcycles Using the Highway" (H. P. 901) (Presented by Mr. McBreairty of Perham) (Cosponsor: Mr. Goodwin of South Berwick)

Committee on Reference of Bills suggested the Committee on Legal Affairs.

On motion of Mr. Fraser of Mexico, was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

Bill "An Act to Clarify the Power of the Commissioner of Transportation and the Chief of the Maine State Police to Regulate Speed Limits" (H. P. 905) (Presented by Mr. Webber of Belfast)

Committee on Reference of Bills suggested the Committee on Legal Affairs.

On motion of Mr. Fraser of Mexico, was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

Performance Audit

Resolve, to Study the State Budget Process, Including a Change in the Fiscal Year, Annual Sessions for Budgets and Emergencies and the Form and Time for Budget Submissions (H. P. 909) (Presented by Mr. Garsoe of Cumberland)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Establish Rules for Legislative Investigating Committees" (H. P. 898) (Presented by Mr. Birt of East Millinocket)

Bill "An Act Concerning Disaster Relief under the Civil Emergency Preparedness Statutes" (H. P. 899) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Concerning the Applicability of the Sales and Use Tax to Inventory" (H. P. 904) (Presented by Mr. Quinn of Gorham)

Bill "An Act Repealing the Refunding of Excise Taxes on Malt Liquor" (H. P. 908) (Presented by Mr. Jacques of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Concerning the Retirement Law Relating to Certain Employees of the Department of Mental Health and Corrections" (H. P. 903) (Presented by Mr. Quinn of Gorham)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Farnham of Hampden presented the following Joint Resolution and moved its adoption: (H. P. 925)

Joint Resolution to Request State Agencies Not to Use the Abbreviation of the State's Name in Advertising or Other Promotional Activities

WHEREAS, certain state agencies have used the abbreviation of the name "Maine" in advertising and promotional activity; and

WHEREAS, this use of that abbreviation has not been a useful device to lighten the labor of writing the State's name, but has been a use which has tended to bring discredit upon the State and her people; and

WHEREAS, in the judgment of the Legislature, this use should not continue; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature in regular session assembled, do respectfully urge and request that no state agency, board, commission, department or institution use the abbreviation of the name "Maine" in any advertising or other promotional activity; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted by the Clerk of the House to the Governor of this State.

The Resolution was read.

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

Mr. NORRIS: Mr. Speaker, a parliamentary inquiry. Under Joint Rule 21, is this Resolution admissible?

The SPEAKER: The Chair would inform the gentleman that Rule 21 does not apply to this particular Resolution, since Rule 21 deals with rejection of bills and does not deal with rejection of resolutions or orders. This particular matter in front of us deals with a Joint Resolution.

Is it the pleasure of the House that the Joint Resolution be adopted?

(Cries of Yes and No)

The SPEAKER: The Chair will order a vote. The pending question is, shall this Joint Resolution be adopted. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Farley of Biddeford requested a roll call vote.

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

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

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

The SPEAKER: The pending question is on the adoption of this Joint Resolution. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bowie, Call, Carey, Carpenter, Chonko, Clark, Conners, Connolly, Cox, Curtis, Dam, Doak, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Higgins, Hinds, Hutchings, Immonen, Jackson, Joyce, Kauffman, Kelleher, Kelley, Laffin, LaPointe, Laverty, Lewin, Littlefield, Lizotte, Lovell, Lunt, MacLeod, Mahany, Martin, A.; McKernan, McMahon, Mitchell, Morin, Morton, Mulkern, Palmer, Peakes, Perkins, T.; Pierce, Post, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Sprowl, Stubbs, Susi, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Boudreau, Burns, Bustin, Byers, Carroll, Carter, Churchill, Cooney, Cote, Curran, P.; Curran, R.; DeVane, Dow, Drigotas, Dudley, Faucher, Fraser, Gauthier, Hall Hewes, Hobbins, Hughes, Hunter, Ingegneri, Jacques, Jalbert, Jensen, Kany, Kennedy, LeBlanc, Leonard Lewis, Lynch, MacEachern, Mackel, Martin, R.; McBreairty, Mills, Miskavage, Nadeau, Najarian, Norris, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Powell, Quinn, Rollins, Smith, Snow, Snowe, Spencer, Strout, Talbot, Theriault, Tierney.

ABSENT — Blodgett, Davies, Maxwell, Webber.

Yes, 90; No, 57; Absent, 4.

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

Sent up for concurrence.

Mr. Usher of Westbrook presented the following Joint Order and moved its passage: (H. P. 926)

WHEREAS, The Legislature has learend of the Outstanding Achievement and Exceptional Accomplishment of The Westbrook High Blazes State 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.

Mr. Bennett of Caribou presented the following Joint Order and moved its passage: (H. P. 927)

WHEREAS, The Legislaure has learned of the Outstanding Achievement and

Exceptional Accomplishment of the Caribou High Vikings State Class A Runner-up 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 Donald Webber of Belfast be excused March 18, 19, 20, 21st for personal reasons; and be it further

ORDERED, that James Tierney of Lisbon Falls be excused March 19, 20, and 21st for legislative business.

House Reports of Committees Ought Not to Pass

Mr. Kauffman from the Committee on Fisheries and Wildlife on Bill "An Act Relating to the Membership, Terms and Allowable Expenses of the Fish and Game Advisory Council" (H. P. 534) (L. D. 651) reporting "Ought Not to Pass"

Mr. Usher from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Carrying of Firearms Suitable for Hunting in a Motor Vehicle" (H. P. 479) (L. D. 598) reporting same.

Mr. Faucher from the Committee on Legal Affairs on Bill "An Act to Prohibit Smoking in All State Offices" (H. P. 554) (L. D. 682) reporting same.

Mr. Cooney from the Committee on State Government on Bill "An Act Relating to Accrued Sick Leave of State Employees" (H. P. 505) (L. D. 627) reporting same.

Mr. Blodgett from the Committee on Marine Resources on Bill "An Act Relating to the Conservation of Shellfish" (H. P. 409) (L. D. 498) reporting same.

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

Leave to Withdraw

Mr. Churchill from the Committee on Fisheries and Wildlife on Bill "An Act to Increase the Fee for Non-resident Big Game Hunting Permits" (H. P. 71) (L. D. 83) reporting Leave to Withdraw

Mr. Gauthier from the Committee on Judiciary on Bill "An Act to Prohibit the Carrying of Firearms by Officers of the Liquor Statutes Enforcement Division of the Department of Public Safety" (H. P. 482) (L. D. 601) reporting same.

Mr. Perkins from the Committee on Legal Affairs on Bill "An Act to Limit the Purposes for Holding Executive Sessions" (H. P. 22) (L. D. 30) reporting same.

Mr. Gould from the Committee on Legal Affairs on Bill "An Act Pertaining to the Enactment by Municipalities of Police Power Ordinances Concerning Abandoned Vehicles" (H. P. 520) (L. D. 637) reporting same.

Mr. Webber from the Committee on Marine Resources on Bill "An Act to Exempt Maine Residents 65 Years of Age or Older from Having to Obtain a Commercial Shellfish License" (H. P. 612) (L. D. 755) reporting same.

Mr. Greenlaw from the Committee on

Marine Resources on Bill "An Act to Amend the Law Relating to Scallop Fishing Licenses" (H. P. 284) (L. D. 336) reporting same.

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bill

Mrs. Clark from the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act to Increase Certain Fees Paid to the State Board of Nursing" (H. P. 496) (L. D. 614)

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

Ought to Pass with Committee Amendment

Mr. Bowie from the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-86) on Bill "An Act to Revise the Laws Relating to the State Board for Registration of Architects" (H. P. 179) (L. D. 196)

Mr. Bowie from the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-87) on Bill "An Act Relating to Apprentice and Journeymen Plumbers and Establishing the Classification of Trainee Plumber" (H. P. 240) (L. D. 318)

Mr. Bowie from the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-88) on Bill "An Act to Clarify Certain Laws Relating to Boxing" (H. P. 388) (L. D. 480)

Mr. Rideout from the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-89) on Bill "An Act to Provide for a Booth License under the State Barber Laws" (H. P. 438) (L. D. 539)

Mr. Bowie from the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-90) on Bill "An Act Increasing Certain Permit, Examination and License Fees for Hairdressers and Providing for Biennial Renewal of Certain Licenses" (H. P. 453) (L. D. 559)

Reports were read and accepted and the Bills read once. Committee Amendment "A" to each was read by the Clerk and adopted and tomorrow assigned for second reading of the Bills.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Withdraw from John F. Kennedy College the right to use the Term 'College' in its Name" (H. P. 583) (L. D. 722)

Report was signed by the following members:

Messrs. BERRY of Androscoggin
THOMAS of Kennebec
KATZ of Kennebec

— of the Senate.

Mrs. LEWIS of Auburn

Mrs. MITCHELL of Vassalboro

Messrs. LYNCH of Livermore Falls

BAGLEY of Winthrop

CONNOLLY of Portland

INGEGNERI of Bangor

CARROLL of Limerick

FENLASON of Danforth

— of the House.

Minority Report of the same Committee

reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. POWELL of Wallagrass Pl.
TYNDALE OF Kennebunkport

— of the House.

Reports were read.

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

Mr. LYNCH: Mr. Speaker, I move we accept the "ought to pass" report.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from St. Agatha, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L. D. 722, was basically introduced by the Department of Education and Cultural Services.

Just a few comments. I would like you to note that the gentleman who presented the bill had wanted to withdraw it in committee and for some reason this couldn't happen.

If you will notice on this divided report, the gentleman that did sponsor this bill voted in the minority "ought not to pass."

I will be the first one to admit that this small college, the John F. Kennedy College, has had its problems. It presently has five day-time students and 67 evening students, a very small college. I would also add that John F. Kennedy College hasn't cost the State of Maine one red penny, and I really can't see any harm it will do to use the term college.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: When the name of John F. Kennedy College was granted, there were many reservations on the part of the legislature at that time. It was allowed to use the name college hoping that it would progress as time went on, but at the hearing, the gentleman who operates the school said he has three full-time students, and if you take in the part-time students, they have the equivalent of about eight full-time students. Now, to classify a school as a college with eight full-time students is a travesty, it makes a mockery of the word college.

I think the legislature in the past has been fair with the gentleman, I think it is time now to allow him to go back to John F. Kennedy Institute.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give, in brief, my reasons for signing the Minority "Ought to pass" Report. John F. Kennedy College is a creature of the 105th Legislature. I recall the hearing on this document granting the privilege to this institute of learning to be called John F. Kennedy College. During the extensive hearing at which two or three bus loads of proponents from Fort Kent attended, it was a day of inclement weather, I might add, and as a result of the information furnished at the hearing, together with other data received through the mail, which was rather voluminous, the Committee on Education gave the legislation a favorable report. It was

approved both by the House and Senate by a fairly large majority. Since that time, the college has had some financial problems do to the stringent economy in Aroostook County, and I believe that at the present time, and the figures that my esteem colleague on the Education Committee gave, there are 46 night students included in that group.

The president of this college, Mr. Charest, is a man of total integrity, in my estimation, and sincerity of purpose. I honestly believe this small college in the rural area of Aroostook County should be given a further opportunity to improve its financial stability and to continue its good work. I do understand that Mr. Charest could take a position as a teacher elsewhere at a great financial benefit to himself, but he is a man of purpose and believes in what he is doing and wants to continue his work.

As you know many, private colleges are suffering financial difficulties, and this is not a good time or reason to pass this legislation denying this small college, which has in its attendance many young people that can't go anywhere else, and I hope we will not deny them to be called a college. They have not appealed to the state for one single penny. I hope that you will not accept the majority "ought to pass" report.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: To withdraw the name college is not going to put this school out of business. They can continue offering the same programs. They can continue to be of some service to the area as an institute. There is no question in my mind or the minds of the committee that the gentleman who is running this school is a very dedicated man. We grant that. But to have students from outside the State of Maine come in and see the facility that is being used, having no catalogues to look at, it just makes a mockery of the word college.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I guess us from Aroostook County are of a little different breed. We try to vote with the people on the coast when there is a coast bill up, we try to vote with the people in Central Maine the same way. We have done this, I think this is history in the legislature. We always find out what we are talking about — we try to, and here we are up in Aroostook with a little college that is struggling along, it is doing some good. If it will graduate four out of those eight every year it would be a great help to Aroostook County. Here now we are almost being legislated out of the name college by a group of the southern part. I hope at this time you will see to give Aroostook County a little boost and go against the motion to accept the "Ought to pass" report and then later go along with the "ought not to pass" report.

Mr. Martin of Saint Agatha requested a roll call.

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

A vote of the House was taken, and more than one fifth of the members present

having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House accept the Majority "Ought to Pass" Report on Bill "An Act to Withdraw from John F. Kennedy College the right to use the Term 'College' in its Name," House Paper 583, L. D. 722. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Berry, P. P.; Binnette, Birt, Byers, Carroll, Conners, Connolly, Cooney, Cox, Curran, R.; DeVane, Dow, Durgin, Farnham, Fenlason, Garsoe, Henderson, Hewes, Higgins, Hughes, Hutchings, Immonen, Ingegneri, Jackson, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, Lewin, Lewis, Littlefield, Lynch, McKernan, McMahon, Mitchell, Morton, Nadeau, Najarian, Palmer, Perkins, S.; Peterson, T.; Quinn, Raymond, Rollins, Silverman, Snow, Snowe, Stubbs, Teague, Torrey.

NAY — Albert, Bennett, Berry, G. W.; Berube, Blodgett, Boudreau, Bowie, Burns, Bustin, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Cote, Curran, P.; Curtis, Dam, Doak, Drigotas, Dudley, Dyer, Farley, Faucher, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessey, Hinds, Hobbins, Hunter, Jacques, Jalbert, Jensen, Joyce, Laffin, LeBlanc, Leonard, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, Mills, Miskavage, Morin, Mulkern, Norris, Peakes, Pelosi, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Rideout, Rolde, Saunders, Shute, Smith, Spencer, Sprowl, Strout, Susi, Talbot, Tarr, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

ABSENT — Davies, Webber.

Yes, 56; No, 93; Absent, 2.

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

Thereupon, on motion of Mr. Finemore of Bridgewater, the Bill and all accompanying papers were indefinitely postponed.

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

Mr. FINEMORE: Mr. Speaker, I now move that we reconsider our action whereby this bill was indefinitely postponed and I hope you will all vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Relating to Fluorescent Orange Clothing to be Used when Hunting" (H. P. 345) (L. D. 429)

Report was signed by the following members:

Messrs. McNALLY of Hancock
PRAY of Penobscot

— of the Senate.

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

— of the House.

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

Report was signed by the following member:

Mr. GRAFFAM of Cumberland

— of the Senate.

Reports were read.

On motion of Mr. Mills of Eastport, the Majority "Ought not to pass" Report was accepted.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Relating to the Liability of Physicians and Surgeons Rendering Emergency Care" (H. P. 336) (L. D. 419)

Report was signed by the following members:

Messrs. COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

— of the Senate.

Messrs. SPENCER of Standish
PERKINS of South Portland
McMAHON of Kennebunk
HENDERSON of Bangor
BENNETT of Caribou
HUGHES of Auburn

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

Report was signed by the following members:

Mrs. MISKAVAGE of Augusta
Messrs. GAUTHIER of Sanford
HEWES of Cape Elizabeth

— of the House.

Reports were read.

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

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

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

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: The same members on our committee who voted "ought not to pass" on this bill voted to pass an immunity bill to allow people who have taken the Red Cross first aid course to be immune. I ask you, in case of an accident on the highways, wouldn't you rather be treated by a doctor or a nurse with all the knowledge and experience these people have?

I know of many doctors and nurses, if they can't have immunity in order to help out someone on the highway in case of an accident, they are afraid to be sued. Therefore, they will not stop if they don't get this. Therefore, I ask you, which one would you like to have?

I hope that you will not vote for this bill "ought not to pass" and instead you will vote for the Minority Report, "Ought to Pass."

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I support the position the gentleman from Sanford, Mr. Gauthier, and am opposed to the pending motion, "ought to pass."

This bill, if you will look at it, L. D. 419, sponsored by the good gentleman from South Portland, Mr. Curran and cosponsored by the gentlelady from Owls Head, Mrs. Post, would provide immunity from negligence for doctors, medical doctors and osteopathic physicians and surgeons who render first aid in an emergency. In other words, it is a good samaritan law for medical doctors and osteopathic physicians and surgeons. I feel it would be in the best interest of the people of Maine if a doctor or osteopathic doctor would be encouraged to stop when they see an emergency and render what expertise and care to help the injured that they have.

I think this is definitely in the interest of the people of Maine and I hope you will vote against the pending "ought not to pass" report.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: As sponsor of this legislation, it was my intent to encourage doctors to render aid. I have found myself personally involved in situations, especially as a young man, where aid was not given because of the possibility of their services being taken advantage of. Unfortunately, we do have people who would take advantage of this situation and place an unusual burden on physicians and surgeons.

I know from experience in running a summer camp, many times we find ourselves in situations where people coming to our property looking for aid and nurses and doctors being reticent about giving that aid and giving me directions as a non-first-aider to offer treatment, simple treatment, perhaps taking a fishhook and taping it to the chin while we can move him to a doctor's office, because they are afraid of the unusual liability placed upon them for that kind of treatment without parental consent.

I would urge you to not support the Majority Report, "Ought not to pass" and give people of Maine some better first aid coverage for encouraging our doctors to stop and render care.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: To answer my good friend, my committee chairman, Mr. Gauthier, it is true there is another bill which has been favorably considered by most of the members of the Judiciary Committee, which might correctly be called a good samaritan law, which applies to those people who have had the advance Red Cross course.

It was the feeling of the majority signers, or at least of myself as a majority signer on this bill, that a higher degree of accountability should be required of doctors and nurses because they are trained to give aid, that is their profession. They also work under normal circumstances for remuneration, whereas the average citizen coming on an accident on the highway rendering aid would not expect to be paid for that aid.

I hope you support the majority opinion of the committee.

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

Mr. MULKERN: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to anyone on the committee that might answer it. I would like to know what the definition of gross negligence is under this bill.

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

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

Mr. PERKINS: Mr. Speaker and Members of the House: In respect to the question of what is gross negligence, that is a difficult one to answer. I am not sure that anybody here really knows what that is; we don't have that standard as a general rule in law in Maine. We talk in terms of negligence and not in gross negligence. We talk in terms of willful; that again would require some other definition.

To direct my attention toward my position on this bill, I think the difficulty comes about because we really, for the most part, most of us don't understand what negligence really means. Negligence in law generally means that one exercise reasonable care in whatever duty he performs. That is that we as individuals here attempt to exercise reasonable care and if our conduct purports to go beyond that, a jury may determine that we have, in fact, been negligent.

The same pertains to doctors, and I would ask the question in regard to a bill of this nature, would we be willing to say if we went into the hospital and were operated on by a doctor that we should give him a form of immunity that would be over and above the standard that is required of him in that situation? That is that he must exercise the reasonable care of a doctor performing the operation. That is true of all staff people in the hospital. Their standard is one of reasonableness within the confines of their particular profession or ability.

Now, let's take the emergency situation. I ask you, why should a doctor, who comes upon an accident scene, be immune from the situation of being held liable if he doesn't exercise the care that a doctor should exercise in respect to his treatment of the individual at the accident scene? I frankly, don't think he should be given something that I would not be given as an individual coming upon the same scene.

If we take as an example a motor vehicle accident in which an individual is sitting in his car and I, as a non-medical man, go over to assist him and I pull him from the car out of fear that the car may blow up, explode, and in the process of moving him, not having any medical knowledge, I cause additional injury to him, I, as an individual, should not be liable. I could be found to have exercised a reasonable care of an individual coming upon the scene in that particular situation. However, if a doctor comes upon a scene, the same sort of scene, why shouldn't he consider the fact that the movement of the individual could cause additional harm even to the extent of death. I think, as a medical man and if I were the man sitting in the car, that I would expect him to consider that where I wouldn't the ordinary layman.

So, if we are going to extend the

immunity at all, it seems to me we should extend it to everybody in regard to the emergency situation and not just grant it to any particular group.

I frankly don't believe in immunity aspects because I think the law as it presently is, the one that says that I will exercise reasonable care in the given situation that I come upon and the people as a jury would make that determination, given the explanation of what the definition is, that pertains to everybody. I think that is only what we as individuals should expect. So, I would only hope that you would support the majority report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: With due respect to the gentleman from South Portland, Mr. Perkins, his remarks this morning were spoken purely from a lawyer's viewpoint, no other viewpoint whatever.

I will tell you this right now, as far as I am concerned, if I find myself lying on a highway, I don't want a doctor driving by me because he is afraid he is going to wind up in a courtroom. And that is exactly what is happening, and it has been happening for years and it is going to keep on happening unless a good piece of legislation such as this one passes.

I have made a habit at this session not to get up too often, and if I do get up, not to speak too lengthy and too long. I will just say that this is a very good bill and I think it ought to pass. I want to commend those who reported out the report "ought to pass."

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

Mr. HENDERSON: Mr. Speaker and Members of the House: As I, and I know some of the other members of the committee, voted against this particular bill, we were not necessarily voting against a good samaritan law. What we were voting against was singling out just one single group for this purpose.

It seemed to many of us that if we were lying on a highway, we certainly wouldn't want a qualified physician to go by us, we also wouldn't want a nurse to go by us. We wouldn't want a person with first aid training to go by us if they were the only kind of people who could help.

There were three bills introduced, basically good samaritan-like bills. My understanding was that we were going to report out two of those, the majority of us anyway, "ought not to pass," holding the third and revising that in committee. In fact, right now the committee is working on a new draft of that third proposal. So I just want to emphasize that those of us, some of us at least, I can't speak for everyone, who voted against this bill are not voting against good samaritan laws but are trying to get a better vehicle by which we can present it to this House.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I support the "ought to pass". Today the physicians and surgeons are finding it almost impossible to get insurance against malpractice suits, and I think an "ought to pass" on this would allow some of them, not all of them, because they won't all stop, but it will allow those who really consider themselves as doctors, they would stop.

The SPEAKER: The Chair recognizes

the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out one item that the gentleman from South Portland, Mr. Perkins, said about the liability of surgeons as they render care in hospitals, there is a vast difference between the roadside and an operating room where they have all of the technology and assistance available to them. I would also like to point out to the members of the House that the 106th gave this kind of protection to ambulance attendants.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker and Members of the House: As the cosponsor of this bill and a similar one which would provide the same law to nurses, I would like you to think for a moment of the position that doctors and nurses are in this kind of situation.

When I was in nurses school, I was told that once you become a registered nurse, you go by an accident, don't stop. If you do stop, don't tell them you are a nurse. So what you find out, what you put yourself in the position of being in is if you do stop to help at an accident, there are others who are not qualified and you maybe have a hard time to convince them that what they are doing is not right unless you tell them that you are a nurse. Then you definitely put yourself in a very difficult position as far as liability is concerned.

I think we have all been reading lately about the high insurance premiums that doctors and nurses are having to pay, and we know the reasons for that. As groups such as lawyers have not been able to get funds or do as much suing in areas as no-fault insurance, the pressure has been put on the doctors and nurses. I think we need this kind of bill.

With all due respect to Representative Henderson, I think that if they were indeed intending to put a good-samaritan law in for doctors and for nurses, this one should have been amended, and I am not quite sure that I can trust the fact that the first aid bill will come out covering doctors and nurses.

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

Mr. MCKERNAN: Mr. Speaker and Members of the House: I would like to pose a question to any member of the Judiciary Committee that can answer it as to whether any doctors have ever been sued in the State of Maine for malpractice for roadside care?

The SPEAKER: The gentleman from Bangor, Mr. McKernan, has posed a question through the Chair to any member of the Judiciary Committee who cares to answer.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I am glad Mr. McKernan asked that question. The attorney for the hospitals was in our committee when we had our session on these bills, and he told us point blank that he knows that the doctors, unless this bill is passed, will not stop. He knows quite a few doctors who will not stop at any accident unless this bill is put into effect.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Having had some

experience in this area, I would hope to see this bill passed and I hope it would go further.

I am at a busy intersection on Route 2 where I have seen some nine people killed, and I am sitting here trying to figure in my mind how many have been seriously injured there. I know of at least four that are alive today that probably wouldn't have been if I, myself, hadn't put a tourniquet on and plugged holes where they were full of holes with blood pumping out of them. It takes about 20 minutes to get an ambulance up in this rural area, and believe me, if your arm is cut off or half cut off at the wrist, you aren't going to live 20 minutes. So if I am along side of the road, I hope anybody will put a tourniquet on. I don't care if it is some farmer or some fisherman or who it may be.

I hope this is extended further before we get done, before this legislature passes it, because I know that some people are reluctant when they see someone there with blood pumping out of them. They don't know what to do about it and they don't do anything and this person doesn't last long with it. So I hope we will make it easy for even civilians to put tourniquets or something to try to save somebody's life because it is a frightful sight to see someone lying there and the blood just pumping out of them and you know — 20 minutes they can't last. Even if you had a piece of paper and plugged the hole, something should be done and I have done it, and as a result of it, I can furnish the names. One man from Calais I get a Christmas card from every year, and he always writes me a nice note, and he well remembers the time that I put a lot of tourniquets all over him and plugged the holes with paper and everything to try and stop him from pumping all over the place. So I think this should be extended and we would be better off, at least in the rural areas, because I can tell you that where I live it is seldom that a doctor passes.

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

Mr. SPENCER: Mr. Speaker and Members of the House: I signed the majority report on this bill with the understanding that another bill which relates to persons with Red Cross training would be used as a vehicle by the committee to go into considerable depth on the whole question of good samaritan laws.

I, myself, if injured on the side of the road, would hope that Mr. Dudley would put a tourniquet on my injury. And I think that it is unfortunate if it is a fact that people who have the ability to assist in emergencies are not doing so for fear of liability. Nobody at the hearing and nobody that I have talked to subsequently has been able to point to a specific case in Maine where anyone rendering emergency first aid has been held liable for their negligence in that situation. I think that there is a general concern among people that they may be held liable if they stop and render emergency care, but it is my own feeling that in most of the situations the jury will be instructed and will have to take into account the circumstances surrounding the accident, the fact that the doctor or the nurse or the person with first aid training is not in an operating room, is not in a hospital.

I think this is a far more complex problem than we are giving it credit for. While it is true that we should be encouraging people to render emergency

first aid, we should not be encouraging people who do stop to render emergency first aid to act in an unreasonable manner. And while Mr. Jalbert is undoubtedly correct that he wants a doctor to stop if he is injured, I can't believe that he wants the doctor to then act in an unreasonable manner given the surrounding circumstances.

I think that the better part of wisdom in this situation would be to give the Judiciary Committee the opportunity to review the laws in other states, to review the whole area of good samaritan laws and to come up with a proposal which will deal with all of the situations which may arise.

At the present time, we have a good samaritan law for people on the ski patrol. There is a good samaritan law which has absolutely no meaning at all for osteopathic physicians. It says that osteopathic physicians shall not be liable in rendering first aid if they exercise due care. Well, that is the standard that would be applied if there were no good samaritan law.

Somebody suggested before the committee that we should put in a good samaritan law for Saint Bernards to go along with the ski patrol exception. I think that this is the problem, we open a very wide door if we allow people to render aid in an unreasonable manner, and I think it is something that we ought to look at much more carefully than this particular bill has been looked at, and I would urge the members of this legislature to accept the "ought not to pass" report on this bill and then to allow the Judiciary Committee to come forward with a more carefully thought out proposal at a later time in this session.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: After listening to the remarks made by the gentleman from Standish, I think probably the best thing we could do right now is recommit this back to the Judiciary Committee, and I so move.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that this bill be recommitted to the Committee on Judiciary. The Chair will order a vote. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

126 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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 Amending the Charter of the Boothbay-Boothbay Harbor Community School District to Require that District to Provide and Fund Pupil Transportation" — Committee on Education reporting "Ought to Pass" (H. P. 629) (L. D. 780)

Resolve, to Reimburse Edgar Tupper of Madison for Loss of Beehives by Bear — Committee on Legal Affairs reporting "Ought to Pass" (H. P. 493) (L. D. 612)

Bill "An Act Relating to Conveyance or Loan of Property to the Cumberland County Recreation Center" — Committee on Legal Affairs reporting "Ought to Pass" (H. P. 540) (L. D. 656)

Bill "An Act to Amend the Charter of

Erskine Academy" — Committee on Legal Affairs reporting "Ought to Pass." (H. P. 592) (L. D. 732)

Bill "An Act to Establish County Commissioner Districts in Penobscot County" — Committee on Local and County Government reporting "Ought to Pass" (H. P. 56) (L. D. 68)

Bill "An Act Relating to Limit of Insurance Risk Exposure under the Maine Insurance Code" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-83) (H. P. 292) (L. D. 344)

Bill "An Act Relating to Education and Training under the Laws of Barbering" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-84) (H. P. 437) (L. D. 545)

Bill "An Act Relating to Pulmonary and Cardiac Diseases Under the Workmen's Compensation Act" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-85) (H. P. 230) (L. D. 286)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 19, 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:

Bill "An Act Relating to the Provision of Aftercare Services to Entrusted Juveniles" (H. P. 376) (L. D. 475)

Bill "An Act Relating to Benefits to Convicts upon Discharge" (H. P. 308) (L. D. 371)

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

Bill "An Act Relating to Dealers in Used Personal Property" (H. P. 502) (L. D. 618)
Objection having been noted, was removed from the Consent Calendar.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: It is my intention tomorrow to offer an amendment, which I hope will prompt some discussion on this item. For this reason, I ask that someone table it for one day.

Thereupon, on motion of Mr. McMahon of Kennebunk, the Report was read and accepted, the Bill read once and assigned for second reading tomorrow.

Bill "An Act Relating to Required Information on Packages under the Weights and Measures Law" (H. P. 488) (L. D. 607)

Bill "An Act Authorizing Additional Indebtedness for School Administrative District No. 15" (H. P. 601) (L. D. 744)

Bill "An Act to Authorize the Director of the Bureau of Parks and Recreation to Prohibit the Use of Canoes with Motors on Part of the Allagash Wilderness Waterway" (C. A. "A" H-78) (H. P. 387) (L. D. 587)

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

Passed to Be Engrossed

Bill "An Act Requiring the Ramping of Curbs at Crosswalks for Physically Handicapped and Elderly Persons" (S. P. 289) (L. D. 987)

Bill "An Act Relating to the Filing of Criminal Cases" (S. P. 303) (L. D. 998)

Bill "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 537) (L. D. 672)

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

**Second Reader
Tabled and Assigned**

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

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

Mr. Rollins of Dixfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-92) was read by the Clerk and adopted.

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

Amended Bill

Bill "An Act to Provide for the Receipt and Custody of Prisoners of the United States" (H. P. 150) (L. D. 169) (C. A. "A" H-79)

Was 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.

Enactor

Tabled and Assigned

An Act to Prohibit the Unlawful Piracy and Resale of Recorded Musical Performances" (S. P. 269) (L. D. 855)

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

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

Mr. MULKERN: Mr. Speaker, I would like to pose a question through the Chair before this bill is passed to be enacted to anyone on Business Legislation that would care to answer. Specifically, what I am referring to in this bill, I would like to know the reasons for the difference in the fines for offenses committed under this act between a person who knowingly and willfully transfers sounds from a recorded or phonograph record and the person who advertises and sells such products, and I would like to know why the penalty is more harsh for the person who actually does the transferring?

The SPEAKER: The gentleman from Portland, Mr. Mulkern, has posed a question through the Chair to any member who may wish to answer.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: The intention was to distinguish between the person who illegally manufactures and then the person who perhaps unknowingly sells at retail, so the penalty would be less for the person who perhaps did not know that the manufacturer of these items was, in fact, illegal.

I would think on the second sale they might know, but that was the reason, to distinguish between the seller at retail who

may be informed and the manufacturer of the items.

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

Mr. MULKERN: Mr. Speaker, I still don't understand. In part two, advertising and sales, it says, "Every person who advertises, offers for sale or sells any articles described in subsection one, with the knowledge that such sounds had been so transferred," it doesn't say that the person doesn't know.

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

Passed to Be Enacted

An Act Providing for the Designation of Anatomical Gifts on Motor Vehicle and Motorcycle Operators' Licenses (H. P. 102) (L. D. 109)

An Act to Allow Municipalities to Permit the Sale of Malt Liquor in All Restaurants, Restaurants Operating under a Part-time Malt Liquor License, Class A Taverns and Taverns on Sunday (H. P. 338) (L. D. 421)

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.

Orders of the Day

Mr. Gauthier of Sanford was granted unanimous consent to address the House:

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: As you know, the Committee on Judiciary has scheduled hearings for different days during this month. To date, we have had a few that appeared before the hearings, but we would like to have as many as possible.

I would like to state that this afternoon, on the fourth floor in Room 438, which is our Judiciary Room, there are quite a few important bills and we would like to invite everyone to attend. Tomorrow, March 19th, our hearing will be held in Room 114, State Office Building; we will have Professor Sanford J. Fox, questions and answers on the code, but also the Commission that went around the state on this code will also be there to answer questions. He will also be there on Thursday. So we would appreciate having anyone that would like to come on those days, we invite you.

Also, if anyone in this House would like to submit amendments to this criminal code, it is time to present them and we would like to have you do so at this time after you have heard these.

We would appreciate having you attend these hearings and when this bill comes up in the House, then you will have an idea what it is all about.

The Chair laid before the House the first 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 13, by Mr. Drigotas of Auburn.

Pending — Acceptance of Committee Report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I stand in support of the Taxation Committee's "ought to pass" report on this bill. This bill is a revenue measure which imposes a 5 percent sales tax on Cable TV rental fees.

From the evidence given in the hearings on this bill, I believe that the statement was made that approximately 18 or 19 percent of the homes in Maine at the present time have Cable TV. This represents, I believe, 40,000 to 45,000 homes presently using this service. As I remember again, I believe the average rental fee per home is in the range of \$5 to \$6 per month and the 5 percent tax on this rental fee will generate roughly 25 to 30 cents per home per month. The bill, if enacted, would generate an estimated \$175,000 per year.

I have been here long enough to know that I, along with the most of you, thoroughly enjoy supporting programs which call for the expenditure of funds and I just as thoroughly enjoy opposing taxes to pay for them, but the fact of the matter is, "that there ain't no free lunch and we do have to pay the fiddler."

All of us here are interested in and supportive of some program or other, sometimes we are supportive of several of them, and we will spend a good portion of our time throughout the session contacting our friends and talking with them about the merits of the various programs that we are supportive of. Without the prospective funding for these programs, this effort is just a big waste.

The Taxation Committee has, in my judgment, the responsibility to offer to the legislature prospective, equitable funding for the fiscal needs of the session. Again I believe, in my opinion, that the Taxation Committee will give favorable reports to very few revenue bills in this session. This is one of them. These bills, if enacted, will produce a few bucks so that some of the most deserving of our L.D.'s will survive the appropriation's table. A vote against one of these revenue measures is, in a sense, a vote against your own interests in these programs that you are supportive of.

There have been arguments against the equity of this measure. Let's be realistic. We tax telephone service, we tax electricity, we tax cooking gas, to top it all, we tax drinking water. I will leave it to you whether these items or Cable TV are more vital to the lives of Maine citizens.

To continue this session or any session with empty coffers is like going shopping with an empty purse. It is your choice, if you are supportive of any measure which one would either reduce revenue or to require funding, in the interest that you have in these measures, I would suggest that you support this tax bill.

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

Mr. DRIGOTAS: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the committee "ought to pass" report. This L. D. 159 came out of committee with an unanimous "ought to pass" report, but I understand that now one of the members of the Taxation Committee has since changed his mind, his vote, and perhaps may speak on the subject. I respect his reasons for doing so; however, I feel, and I am sure that the rest of the committee feels, that somewhere, somehow along the line, we have got to find some ways to fund some of the programs that we have before us, particularly in the area of the elderly.

The tax on an individual around a family is absolutely minimal, something like a penny a day — a penny a day. I urge you to accept the committee "ought to report" report.

The SPEAKER: The Chair recognizes

the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I suggest that if you are just looking for a chance to pick someone's pocket, this might be a good way to do it. It doesn't affect anyone in my district because we don't have this type of TV, cable, so this is once you are going to be able to do something without directly affecting my constituents. However, my personal thought would be that it does discriminate a little because it kind of makes the city slicker pay and out in the country where we don't have it, it won't get us anyway. But, for this reason, I think it is a little discriminatory but I suspect you have to pick someone's pockets and it might as well be them.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: When Representative Drigotas, the House Chairman of the Taxation Committee, spoke, he said that there was one committee member that had changed his mind. Well, I would like to inform the House, while the members of the Taxation Committee sit here, that I haven't changed my mind. I will, for the sake of the record, say that if I had given a little thought to what the clerk said when she went by and said, "are you with the committee" — I would have said no on this bill, because I will refresh the committee members' minds right now, and their memory, that I said in committee that I would not vote for this bill or any tax measure at this session.

Now, the Governor has told us he doesn't need a tax increase. I don't think the people need their pockets picked any more and I said this in committee. This bill got by me. Now, if I had been intending to vote for any bill at all, I would have voted for the bill to impose a bill on the people that advertise over TV and in the newspaper media, but that bill went down the road with 17a.

No one has gotten by me. I changed my mind immediately on this when I found out that it came out unanimous "ought to pass". It was a question of the clerk going by and saying, are you going along with the committee? I had other things on my mind and I said, yes, but I had already made my statement to the committee that I would not vote for the bill and I would not vote for any tax increases in this session.

Anytime anybody thinks somebody gets to me, I will tell them one thing right to their face, come to me and tell me who got to me, and I would like to face that person.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this bill. I think it is discrimination when you are going to tax only one segment of the people, those who have cable TV. I have cable TV. Maybe it only costs me a penny a day but it is \$3.65 at the end of the year.

Not only that, but when we had bills in front of this House recently where we could have saved a quarter of a million dollars, the same people who vote for this tax bill, voted against my bill. I think that was wrong because we could have saved a quarter of a million dollars and now they are trying to raise money in another way by picking pockets of certain individuals in certain cities who have cable TV. I think it is wrong. I move this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from

Lewiston, Mr. Cote, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. MULKERN: Mr. Speaker, as one of the signers of the "ought to pass" report on this bill, I feel as though I should defend my position.

I have received some phone calls and some discussions from a few individuals about changing my mind on this bill, but I am not about to do that.

All this bill does is, it imposes a sales tax on rental fees for cable TV. I have spoken to several people and friends that I know very well that have cable TV and they don't see this as a great burden on them. I think many of them realize that we are going to have to come up with some funds from somewhere to try and fund other programs, and I seriously question whether we are really going to avoid a tax increase anyway, despite what the man on the second floor says.

Also, I would call attention to the committee that the original bill bears now a sales tax on telephone service. I would say that maybe if we are not going to put a sales tax on cable TV, maybe we shouldn't have a sales tax on telephone service, but I realize what a loss of revenue to the State that would be. To me, this is a luxury item, it isn't going to cost much money and it seems to be only fair to me.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to go on record as opposing this bill, and I would like to know how much revenue you are going to get out of this. I have cable TV too, but I don't call it a luxury; my TV comes in better with the cable TV.

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

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to L. D. 159. This is a regressive tax at best and will add another tax to the poor and the elderly, the least able to pay such a tax. It also unfairly taxes those in outlying rural areas that have no choice but to subscribe to cable services because of distance to the TV stations. A special tax would apply to less than 10 to 20 percent of the population of the state. I believe that if the state needs more money it can come out with a broad base tax that would tax everybody on their ability to pay.

I hope you will not support this bill.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: As one of the members of the committee who signed the "ought to pass" report, I feel I should rise in support of the bill. It has been mentioned here that this is discrimination. This comes over the wires, we tax everything else that comes over the wires so I really can't see why we shouldn't tax this.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I have many elderly people in my town of Sanford especially Sunset Towers, which houses many elderly people, and to them, most of these people have Cable TV, and it is not a luxury, it is a great entertainment for

them, and to them being on fixed incomes, they just couldn't afford it.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to those House members that are interested in the revenue on this bill that the revenue is estimated at \$175,000 a year, but we engrossed earlier this morning a bill that decreases the revenue and exempts certain types of electricity from the sales tax which reduces the yearly revenue by \$115,000 in the first year of the biennium and \$125,000 in the second, so we earlier have exempted it so we have used up practically all of this particular tax if we should pass this one this morning.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would simply add to what my colleague from South Portland says, we can use that money either for that or for the Southern Maine Vocational Technical Institute that I understand he will be looking for some money for a little later on in the session.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't have cable TV, to be honest about it. I get good reception from the other stations and I don't think I need it. By the same token, I don't believe that we should tax these people who have cable TV. I think it is a regressive tax and it seems as though that anytime something comes up for the benefit of some of our people, some people are quickly ready to throw a tax on it. Therefore, I object to it.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: There are too many taxes now. The service costs plenty as it is.

In regard to testimony that there is even a tax on drinking water, I say that several wrongs don't make a right. I agree with the discrimination angle on this bill. The percentage of customers is small and the reason the number of customers is small is because the cost is too much. If this bill passes, the TV stations will be blamed for the tax, that is quite often the case, the dispenser of the service is the party who is resented.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Van Buren, Mr. LeBlanc, probably hit this and brought out the point most effectively of how it should be brought out. I recognize that there is a good possibility that we will need some additional funding. However, if we are going into additional funding, I think it should be done on the most extreme broad base that we can. We should attempt to pass it on equally.

Fundamentally, this bill puts a tax on people who are living in isolated areas, not necessarily completely rural but somewhat distant from TV stations. I know in my own case, it is true. It becomes very selective in that respect and I do support the motion for indefinite postponement.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I hope that people don't raise here this morning that says conflict of interests. I happen to be in the service business, we represent four manufacturers, my company does.

Ladies and gentlemen, if you don't think that doesn't discriminate, especially against my city, which Lewiston-Auburn will be charged maybe \$30,000 out of this revenue account. The revenue that this thing will bring in is not \$175,000, the only thing that I can think of all the accounts that I have right now would bring in about \$80,000, so hold on to your hat.

We have nursing homes in our area which are non-profit organizations. We have one unit that has 500 cable vision in it — 500. These are people that are sick and elderly that are not able to pay this but they have to have cable vision because the reception in that area does not come in. Naturally a lot of these people would like to have the Canadian station, which is channel 7, which most of them would like to have which you cannot get from the air, so again you are discriminating against these people.

We have low income housing, which they are obligated to put the cable on because they do not want an antenna on the roof. Now these are low income that are told that they have to hook onto cable because the reception out there is lousy also.

Now, just a few days ago you rejected two bills here that ask that you add it on to either radio or television or newspaper, but they rejected it. Naturally, their lobby was a little stronger than the people that are poor that are not able to pay for this cable vision.

Now, I should be for this bill; naturally that would give us more money in our business because we install antennas, but I am against it because it does discriminate against a few people. I hope, ladies and gentlemen, that when these people are hit with the sales tax, they will know that the legislature passed this tax. They don't know about it now because there are only a few here naturally the cable vision are here for one interest only, that they don't like to put it on their bill because they will have to put it through their bookkeeping, and it will cost them money also. But I think of the people that I am serving and the people that I represent in my area and Lewiston-Auburn is going to be the hardest hit with this. Naturally South Portland in a year or two will have cable vision. They have passed it and they will have cable vision installed in their community, whoever wants it. All I have to say is that the \$175,000 that these people think it will bring it will not bring \$175,000 but \$80,000. And to go out and do all this paper work to bring in \$80,000, I think we can find other means of bringing in more money than that.

Mr. Cox of Brewer requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from

Lewiston, Mr. Cote, that the House indefinitely postpone Bill "An Act to Impose a Sales Tax on Rental Fee for Cable TV" House Paper 126, L. D. 159 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, G. W.; Berube, Binnette, Birt, Blodgett, Bustin, Call, Carpenter, Carroll, Cote, Curran, R.; Curtis, Dam, DeVane, Dow, Dudley, Durgin, Dyer, Farnham, Faucher, Finemore, Garsoe, Gauthier, Goodwin, H.; Gray, Greenlaw, Hall, Higgins, Hinds, Hobbins, Hunter, Hutchings, Jacques, Jalbert, Jensen, Kauffman, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McBreairty, Mills, Miskavage, Nadeau, Perkins, S.; Peterson, P.; Powell, Quinn, Raymond, Rideout, Rollins, Saunders, Silverman, Smith, Snow, Sprowl, Strout, Stubbs, Teague, Theriault, Torrey, Tozier, Truman, Tyndale, Usher, Walker, Wilfong.

NAY — Ault, Bachrach, Berry, P. P.; Boudreau, Bowie, Burns, Byers, Carey, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cox, Curran, P.; Davies, Doak, Drigotas, Farley, Fenlason, Flanagan, Goodwin, K.; Gould, Henderson, Hennessey, Hewes, Hughes, Immonen, Ingegneri, Jackson, Joyce, Kany, Kelleher, Kelley, LaPointe, Lizotte, Maxwell, McKernan, McMahan, Mitchell, Morin, Morton, Mulkern, Najarian, Norris, Peakes, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Rolde, Shute, Spencer, Susi, Talbot, Tarr, Tierney, Twitchell, Wagner, Winship, The Speaker.

ABSENT — Connolly, Fraser, Littlefield, Palmer, Snow, Webber.

Yes, 82; No, 63; Absent, 6.

The SPEAKER: Eighty-two having voted in the affirmative and sixty-three in the negative, with six being absent, the motion does prevail.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: Having voted on the prevailing side, I now move for reconsideration.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the second 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 13, by Mr. Hobbins of Saco.

Pending — Acceptance of either Report.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: On this bill here there are some intentions to have amendments made for some discussion, and I suggest to these people that they let

this bill go through to the second reading when it would be time for the amendments.

The SPEAKER: Is the gentleman making a motion at this time?

Mr. MILLS: So move.

The SPEAKER: The gentleman from Eastport, Mr. Mills moves that the House accept the Majority "Ought to Pass" Report.

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

Mr. CHURCHILL: Mr. Speaker and Members of the House: In the 106th Legislature, a proposed stamp for the purpose of hunting pheasant was contrived. One speaker stated it was necessary to find out how many persons hunted these birds, which we all know they are not migrating birds and it has been quoted the figure that only three percent or less survive the winter. Those are ones fed by bird lovers or farmers. These birds are dumped out in various size lots from a few to several hundred in some locations. The game wardens are the only ones who know where these birds are located. So, only a few close friends find out which fields these birds are located in and taken advantage of it and are successful pheasant hunters.

The raising of pheasant should be phased out because it is becoming too expensive to subsidize the raising of these exotic birds which are not native to Maine.

It was mentioned previously that in two years the department could find out how many hunted these birds and this stamp would not be necessary.

In 1973, the cost of raising a pheasant was quoted at \$3.35 per bird. Now, this year we are quoted a figure of \$7.00 it costs per bird this past season.

Now, if we increase our stamp from \$1.00 to \$3.50 we are still behind the eight ball, because next session of the legislature the cost of raising these birds will be quoted at \$10 or more, so we will have to raise the stamp again. As you all know, or should, the department is requesting a license fee increase from \$10.50 on combination licenses to \$13 or possibly \$15 as well as all license fees across the board, also a \$5 proposal for a bear stamp.

Now, only a few years ago duck stamps were \$1, they are now \$5 and will probably increase again this year. It seems only right to eliminate this so-called nit picking funds and stay with the general license increase. There won't be so many people breaking the laws.

Right now a person to hunt all game, the cost is \$13 or \$15 on the license, a \$5 dollar duck stamp, plus \$1 salmon stamp which has been in effect, now a proposed \$5 bear stamp, plus \$3.50 for a pheasant stamp, which makes a total of \$27 or \$29.50. This seems like a sizeable sum if four or five hunt in one family.

I now move that we indefinitely postpone this bill and all accompanying papers and request a roll call.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: A couple of sessions ago when this bill first came in before us it was for \$1 for one year, just a test. They said we will have a test, \$1. Now they are asking for \$3.50 and the amendment is cutting it back to \$2.50.

This bill last year, quite a few people bought a stamp, I don't hunt pheasant any more but I bought it for a stamp collection,

and I know several others did. If you put this up to \$2.50 or \$3.50, they sure as the world aren't going to buy these for a stamp collection because they aren't worth it. The gentleman before me just did a wonderful job of speaking because he explained it very properly — it will cost us more to raise them than they are worth and it is definitely a proof what he said, that the game warden will tell a certain few where they are put out and they will get them all. That is the whole question, because I have seen it done in our locality and I am not ashamed to say so and I would tell the game warden myself if they are told where they are because this has been a fact and I believe any charge at all even a dollar is too much but I would go along with a dollar but to increase this to \$3.50 or \$2.50 is out of proportion and I think if you do that they are going to be shot without a license at all because people won't do it because if they see one they are going to shoot it. I hope you will go along with the indefinite postponement.

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

Mr. STROUT: Mr. Speaker and Members of the House: I would like to pose a question. If this bill is indefinitely postponed, does that mean there will be no pheasant stamp?

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

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

Mr. MILLS: Mr. Speaker and Members of the House: If the indefinite postponement goes through it means the end of the pheasant program in the whole state of Maine, that is it.

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

Mr. USHER: Mr. Speaker and Members of the House: Would it be in order to present a House Amendment.

The SPEAKER: The Chair would inform the gentleman that we would have to dispose of the motion of indefinite postponement, give this bill its first reading and then it would be a position to amend in the next legislative day.

The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question a little more distinctly, the department never said we were going to lose the whole pheasant program if this stamp did not go through. They had the program a long time before they had the stamps, it never was feasible to have it, it never paid for itself anyway. I would imagine they would keep it.

This last vote we just had a few minutes ago, not to increase a tax or not to put any tax on the television, I think, that we could stand a little help on this one not to put any more tax on the hunters.

I ask you to vote for indefinite postponement.

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 Orland, Mr. Churchill, that the House indefinitely postpone Bill "An Act Relating to Hunting Pheasants" and all accompanying papers, House Paper 346, L. D. 430. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Berube, Binnette, Birt, Blodgett, Boudreau, Bowie, Bustin, Byers, Call, Carey, Carroll, Carter, Chonko, Churchill, Clark, Connors, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Dow, Drigotas, Dudley, Dyer, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hewes, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, Maxwell, McKernan, McMahon, Miskavage, Morin, Mulkern, Nadeau, Palmer, Peakes, Pelosi, Perkins, T.; Pierce, Powell, Raymond, Rideout, Rollins, Saunders, Shute, Silverman, Smith, Snowe, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Torrey, Truman, Twitchell, Tyndale, Wagner, Wilfong, Winship, The Speaker.

NAY — Bachrach, Bennett, Berry, P. P.; Burns, Carpenter, Davies, Doak, Durgin, Gauthier, Goodwin, H.; Gray, Hennessey, Higgins, Hobbins, Hughes, Jensen, Kany, Leonard, MacEachern, Martin, R.; McBairty, Mills, Mitchell, Morton, Najarian, Peterson, P.; Post, Rolde, Spencer, Susi, Tierney, Tozier, Usher, Walker.

ABSENT — Connolly, Farley, Fraser, Jalbert, Littlefield, Norris, Perkins, S.; Peterson, T.; Quinn, Snow, Webber.

Yes, 106; No, 34; Absent, 11.

One hundred-six having voted in the affirmative and thirty-four in the negative, with eleven being absent, the motion does prevail.

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

Mr. STROUT: Mr. Speaker and Members of the House: Having voted on the prevailing side I now move for reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from Corinth, Mr. Strout, moves the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the third 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) (H. "A" H-76)

Tabled — March 13, by Mr. Perkins of Blue Hill.

Pending — Motion of Mr. Ault of Wayne to Indefinitely Postpone Bill and Accompanying Papers.

On motion of Mr. Perkins of Blue Hill, retabled pending the motion of Mr. Ault of Wayne to indefinitely postpone and specially assigned for Thursday, March 28.

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

House Divided Report — Majority (11) "Ought to Pass" in New Draft under New Title: Bill "An Act Relating to Irreconcilable Marital Differences as a Ground for Divorce and Mental Illness as an Impediment to Divorce." (H. P. 911) (L. D. 1032) — Minority (2) "Ought Not to Pass" — Committee on Judiciary on Bill "An Act to Make Legal Confinement for Mental Illness a Ground for Divorce." (H. P. 21) (L. D. 29)

Tabled — March 14, by Mr. Gauthier of Sanford.

Pending — Acceptance of either Report.

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

Mr. McMAHON: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report.

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

Mr. HEWES: Mr. Speaker and Members of the House: I move the indefinite postponement of this bill and all accompanying papers and would speak to my motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that this bill and all accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. HEWES: Mr. Speaker and Members of the House: As you will see from L. D. 29 and then as has been amended L. D. 1032 it relates to divorce. I ask what need there is for further liberalization in Maine of the divorce laws. Seems to me that divorce is relatively easy to obtain in Maine. In fact, Maine is one of the more liberal states in the country in this regard. You that were here in the 106th will recall that last session we debated an irreconcilable arrangement type of divorce law and eventually came up with an amendment to the law that allows a divorce for irreconcilable differences after counseling by a marriage is no longer able to decide the marriage is no longer able to be maintained. This particular bill would modify that to the extent that any couple that has been apart for two years or more need not go to a counselor. Now, I ask what is wrong with asking any couple before they are to become divorced for this purpose in going to have counseling, trying to seek a reconciliation, trying to make the marriage work. I would be opposed to this bill as it is amended for that particular reason. I hope you will vote to indefinitely postpone.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Originally, L. D. 29, which I introduced, would have created a new ground for divorce in this state, that ground being legal confinements for mental illness. The Judiciary committee considered this bill for many weeks. The redrafted bill before you is the result of that consideration. L. D. 1032 would change the present divorce law of this state in two ways. First, the bill states that the mental illness or incompetence of either party shall not constitute an impediment to the granting of a divorce on the already existing grounds of a irreconcilable differences. The bill does not create a new ground for divorce but only clarifies an existing

ground as it relates to mental illness or incompetence of one of the parties. Second, the bill would allow the court to waive counseling if it is found that the parties have lived separate and apart from each other continuously for a period of at least two years prior to the commencement of the divorce proceedings. The intention of this section on counseling is not to weaken the requirement for counseling that now exists in the present law as Mr. Hewes has referred to but rather to recognize the fact that the present requirement for counseling effectively prevents a person from obtaining a divorce on the grounds of mental illness, since it is obviously impossible for a person who is mentally ill or incompetent to participate in counseling. The Maine court has adopted the rule that divorce may not be grounded on acts committed by an insane person. So as it is, the same spouse may not divorce the spouse suffering from mental illness in Maine.

Anyone married to a competent spouse has all the existing grounds for divorce at their disposal, but these grounds have been denied to the individual married to an insane person by judicial interpretation. The irreconcilable differences ground, which was inserted by this legislature by amendment in 1973 cannot apply where one party is mentally ill or incompetent because implicit in the phrase "shall not be granted unless both parties have received counseling" — again, implies competency sufficient to understand and benefit from counseling. But what greater irreconcilable difference could there be than mental illness and legal confinement of one's spouse?

In conclusion, ladies and gentlemen of the House, I wish to read to you a letter that I received from a lady in Bethel, Maine:

"To Whom it may concern: I am writing concerning the bill on divorce for the mental ill. I am for it. I realize that the person who is ill is not to blame, but neither is the other one. Why should they be made to sacrifice their lives for something that can't be helped, give up everything in life they dreamed of, all for nothing. It is no help to the person ill and it is sure no help to the one on the outside.

"My husband has been in the State Hospital 14 years. I don't blame him. He is a wonderful person when he is himself. It is not his fault. But 14 years is a long time and one's feelings change. I feel sorry for him, as I would for anyone, that is all. Does anyone realize what it can do to a person feeling like this, married to someone who can't have a place in life? I hope and pray they do approve this bill and give us the relief that we need."

I will not read the name of the author of this letter, but I have it for anyone who wishes to do so.

I hope you vote against the motion to indefinitely postpone so that we can accept the majority, 11 to 2, "ought to pass" recommendation of the Judiciary Committee.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: It is not in the interest of Maine people to further extend the grounds for divorce. Even under present restricted policy, the divorce rate in Maine is keeping pace with the alarming rise in broken family relationships

nationwide. Further erosion of the marriage bond can only accelerate the growing disillusion of youth concerning the institution of marriage. Is there no given promise that is still to be honored?

Granting a divorce for mental illness violates the most ancient protective traditions of the Anglo-Saxon legal system. Innocent people, persons, especially those who are ill or incapacitated, have always been guaranteed integrity of life and property. A binding contract abrogated, except by mutual consent of the contracting parties or because of the willful violation of its terms by one or the other.

Certainly, the mentally ill cannot consent legally to a termination of their marriage vows. Common sense shows that they cannot be held responsible for their disability. Granting a divorce under these circumstances constitutes a deprivation of their most personal rights without affording an opportunity for self defense. Have we come to regard the mentally ill as having no rights at all? The legislature surely would not establish another illness as the basis for divorce. To deprive the mentally ill of their marriage is a gross and inhuman attack on the utterly defenseless in our society. It is the responsibility of government to protect the innocent and the helpless.

This legislature of the State of Maine should reject this bill in the name of human compassion because it effects to legalize a violation of the elementary human dignity, and I hope that you will vote "ought not to pass."

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

Mr. PERKINS: Mr. Speaker and Members of the House: I would merely like to point out two things about this bill. I will try to make it very short. One is, the suggestion was made that it would remove the counseling aspects of the present law. It does not; it makes it discretionary. It says that the court may waive the counseling if the individuals have been separated for a period of two years.

Frankly, I am against divorce, and I hope I never have to go through one. However, we are concerned about the moral standards of our youth and of our state, and one thing that comes to my attention as a result of our present laws is the fact you have situations where if there was counseling and it could be determined that the parties did in fact have reconcilable differences, then they should be divorced, under the present law you have individuals who refuse to go to counseling for that very fact. They are aware that if they do go to counseling that there may be a determination that the marriage is reconcilable and therefore they don't do it. Consequently, what has resulted is that many many individuals who should be counseling are not doing so.

Thirdly, you have the situation of couples who have been separated for a period of two years or more, some as long as seven or eight years, and one of the parties absolutely adamantly refuses counseling as well as granting a divorce to the other party strictly out of vengeance and for no other reason. And you have family situations of children being brought up seeing their father or mother living with another man or woman while they know that their own parents are married and yet are not living together. I ask you, ladies and gentlemen, if that is something

we want to promote. Under present law, that is what we are doing.

By virtue of passing this particular provision, we would at least make it permissible for the individual who wants a divorce and at least correct his legal status in the eyes of his own children if you get a divorce where a court determined that counseling was not necessary because one of the parties refused to do so and they had been separated for at least two years. I suggest that any couple that has been separated for a period of two years no longer are going to go back together.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think at the present time divorce is obtained too easily. We have too much of it. All you have got to do is take up your welfare rolls and you will see how it has increased tremendously due to the fact that they abuse that divorce law. It is an easy matter for them. To get divorced, it just seems all they have got to do is see an attorney and it is very easily obtained. Therefore, I believe in indefinite postponement of this measure and all its accompanying papers, and I would like to have a roll call.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: This morning I arise as the sponsor of L. D. 84 and I would encourage members of this House to look in their booklets, their Legislative booklets this morning, at L. D. 84. That bill was submitted in the intent that that legislation is to do away with the so-called counseling requirement that is currently mandated by the law that was passed in 1967. I think it is clear that the bill we are discussing right now, L. D. 1032, which is a redraft out of the Judiciary Committee, does not eliminate the mandatory counseling requirements.

This morning when I opened up my mail I had a letter, a memorandum, from I believe the Social Action Committee, of the Bureau of Human Relations Services and the memo says that it is relative to L. D. 1032. I would ask members of this House to look very carefully at that memorandum that was probably in your mailbox as well this morning, because it was addressed to all members of the 107th Legislature, because the content of that memorandum deals with L. D. 84. It is very important to look at that material before you vote on this issue this morning.

The redraft that is before you and that we are discussing does not eliminate the mandatory counseling requirement; L. D. 84 does. The redraft before you this morning, as Mr. Perkins from South Portland has pointed out, deals with discretionary power lodged in the court, a very very important and fine distinction that we should all look at before we make a rash judgment and indefinitely postpone this bill this morning.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to underscore the comments made just now by the gentleman from Portland, Mr. LaPointe. They're two bills. This bill is very narrow in the subject matter in which it attempts to operate. The major discussion on this bill thus far has involved the subject of counseling. I want to

re-emphasize that the proposed change in counseling is only to grant the courts authority to waive counseling so that a person who is mentally ill can be exempted from the provision of it. The issue is not whether divorce is good or bad but rather whether a person who is married to a mentally ill or incompetent person can obtain a divorce. The issue is a very narrow one and I hope you understand that; and vote against the motion to indefinitely postpone.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make just one brief point on this bill. The present counseling requirement which requires that anyone getting a divorce on the grounds of irreconcilable differences has actually served to discourage counseling because if a couple goes to attorneys, in a great many cases, the first thing the attorney will advise is for one of the parties not to go to counseling because by refusing counseling, the party refusing the counseling places themselves in a stronger bargaining position in terms of the ultimate property disposition. The Judiciary Committee considered this thing for a long time and concluded that the counseling provision ought to be preserved because there was testimony that as many as 25 percent of the couples who sought counseling were able to reconcile their differences.

The majority of the committee decided that the counseling requirement ought to be waivable after two years by the court so that you could deal with the extreme situations where one member or one spouse was clinging tenaciously to the marriage although it had no substance for purely vindictive reasons. It would also solve the problem of those who are married to people who have been confined in mental institutions for long periods of time. I think that this proposal which was worked out by the Judiciary Committee would actually encourage counseling by eliminating this roadblock where you could improve your bargaining position by refusing to go.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: It was said that this bill does not change the counseling. The present law says that you have to have counseling, but I would like to read a portion of the bill where it says, "that provided the requirements of such counseling may be waived by the court." It applies that the party are to live separately, etc. There is no obligation to go to counseling according to this here in this new law if you pass it.

A few other thoughts that I would like you to consider why I feel that this bill should be defeated. After making inquiries at a mental hospital, I was given a verbal report that approximately 95 percent of patients are curable, 43 percent within three years and an additional 15 percent will take from three to nine years to recover. These figures indicate that the prognosis of cure have greatly improved and shows that with good care, love and time the sick can return to their family and society.

Again, ladies and gentlemen, I ask you, are we going to deny the latter 52 percent the chance to come back to their loved

ones, to again live a normal and happy life and I hope that when this vote is taken, that we have a roll call on it.

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

Mrs. MORIN: Mr. Speaker, I would like to pose a question through the Chair to anyone who might answer. In our debate before, wasn't it said that the doctors, that there would have to be a statement from a doctor saying that there was no way that mentally incompetent could get any better?

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

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: In my inquiry that I made on the weekend, I was told that around 5 to 8 percent of them would probably never recover but the rest of them, as I have told you, that percentage stands.

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. If you are in favor of a roll call, you will vote yes; if you are opposed you 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 before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that this Bill and all its accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bennett, Berry, G. W.; Berube, Binnette, Blodgett, Bowie, Call, Carey, Carpenter, Carroll, Carter, Chonko, Curran, R.; Dam, DeVane, Doak, Drigotas, Dudley, Durgin, Farley, Faucher, Fenlason, Flanagan, Gauthier, Goodwin, H.; Hennessey, Hewes, Hunter, Immonen, Jacques, Joyce, LeBlanc, Littlefield, Lizotte, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, Miskavage, Nadeau, Peterson, P.; Raymond, Rideout, Silverman, Strout, Theriault, Torrey, Twitchell, Tyndale, Walker, The Speaker.

NAY — Ault Bachrach, Bagley, Berry P. P.; Birt, Burns, Bustin, Byers, Churchill, Clark, Conners, Connolly, Cooney, Cox, Curran, P.; Curtis, Davies, Dow, Dyer, Farnham, Finmore, Garsoe, Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Higgins, Hinds, Hobbins, Hughes, Hutchings, Ingeneri, Jackson, Jensen, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, Leonard, Lewin, Lewis, Lovell, MacLeod, McBairty, McMahan, Mitchell, Morin, Morton, Mulhern, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Rollins, Saunders, Shute, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Tierney, Tozier, Truman, Usher, Wagner, Wilfong, Winship.

ABSENT — Boudreau, Cote, Fraser, Gould, Jalbert, Mackel, McKernan, Mills, Smith, Snow, Webber.

Yes, 55; No, 85; Absent, 11.

The SPEAKER: Fifty-five having voted in the affirmative and eighty-five in the

negative, with eleven being absent, the motion does not prevail.

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

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

Bill "An Act Creating the New Portland Water District." (H. P. 359) (L. D. 456) (Emergency)

Tabled — March 14, by Mr. Nadeau of Sanford.

Pending — Final Enactment.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires an affirmative vote of two thirds of the entire elected membership of the House. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

132 having voted in the affirmative and none in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Hughes of Auburn, the House reconsidered its action of March 14 whereby it voted to insist on Bill "An Act Relating to the Authority of Bail Commissioners," House Paper 263, L. D. 310.

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

Mr. HUGHES: Mr. Speaker and Members of the House: This body passed the bill in question by a substantial margin. The other body defeated it by a similar margin. The conversations among the chairmen of both bodies and other parties indicated that both bodies feel very strongly about it.

We do feel, however, that there is a chance for a committee of conference to come up with something that would be acceptable to both bodies. So my motion now will be that we insist and ask for a committee of conference.

The SPEAKER: The Chair would inform the gentleman that the motion to insist has priority and it is the pending motion.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I think the gentleman meant to ask for the committee of conference instead of insisting. I think that was his purpose for reconsidering. I would withdraw my motion to insist.

The SPEAKER: The gentleman is correct in assuming that, except that pursuant to the rules, the motion to insist has priority over the motion to insist and ask for a committee of conference.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This is, of course, my bill, and I would like to say a few things here. We passed this substantially in the House. When it came out of committee, there were three Senators who voted against it and it was defeated substantially in the Senate. And unless you want to spend a month in the Senate, it doesn't pay to try to get something through the Senate — through the other body if they are against it like that.

I agree with the motion of the gentleman from Auburn, Mr. Hughes, to insist and ask for a committee of conference, because I think we all admit that the need is there, the breaking and entering

problem and the people doing it going out of free bail continuously is a major problem in the State of Maine, and just to say kill the bill, which would be done if we insisted and adhered and we couldn't pick the votes up in the other body.

I have talked with several from the other body, and they, too, want something to come out of this legislature in this field of not having free and easy bail for criminals or people who have been arrested for a felony. And I would say right now that the best approach would be to insist and ask for a committee of conference.

Thereupon, on motion of Mr. Hughes of Auburn, the House voted to insist and ask for a committee of conference.

(Off Record Remarks)

On motion of Mr. Usher of Westbrook, Adjourned until nine-thirty tomorrow morning.