

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

Monday, March 24, 1975

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

Prayer by the Rev. Harry James Rains, Jr., of Rangeley.

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

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 361)

ORDERED; the House concurring, that Joint Rule 3 be amended by adding a new paragraph to read as follows:

If a committee responds to an order directing inquiry upon any matter by presenting a report recommending legislation, such legislation shall be introduced when the report is transmitted to the Legislature. Such legislation shall bear the designation of the committee reporting.

Came from the Senate read and passed. In the House, the Order was read.

On motion of Mr. Rolde of York, tabled pending passage and specially assigned for Wednesday, March 26.

Bills, Resolve and Resolutions from the Senate requiring reference were disposed of in concurrence, with the following exceptions:

Bill, "An Act Providing Funds to Improve the Dental Health of Adults in Maine" (S. P. 336) (L. D. 1124)

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

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

Bill "An Act Relating to Dog Licenses and Dog License Fees" (S. P. 337) (L. D. 1125)

Came from the Senate referred to the Committee on Legal Affairs.

On motion of Mr. Mahany of Easton, referred to the Committee on Agriculture in non-concurrence and sent up for concurrence.

Reports of Committees**Ought Not to Pass**

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Authorize the Appointment of Deputy Fish and Game Wardens" (S. P. 160) (L. D. 534)

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

Leave to Withdraw

Report of the Committee on Fisheries and Wildlife reporting Leave to Withdraw on Bill "An Act Relating to Hunting with Bow and Arrow" (S. P. 158) (L. D. 532)

Came from the Senate read and accepted.

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" on Bill "An Act to Provide Funds to Pine Tree Legal Assistance, Inc., for Continued Legal Representation for those in Need" (S. P. 133) (L. D. 438)

Report was signed by the following members:

Messrs. GAHAGAN of Aroostook
MARCOTTE of York
HUBER of Cumberland
— of the Senate.

Messrs. JALBERT of Lewiston
SMITH of Dover-Foxcroft
CARTER of Winslow
Mrs. GOODWIN of Bath
— of the House.

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

Report was signed by the following members:

Messrs. LeBLANC of Van Buren
MacLEOD of Bar Harbor
GARSOE of Cumberland
— of the House.

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

In the House: Reports were read.

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

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I move the indefinite postponement of this Bill and all accompanying papers, and when the vote is taken, I ask for the yeas and nays.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I support the motion before the House. I think we have been led to believe that it is to support health poor people. I submit that it is to help poor lawyers or poor attorneys.

We have had something to do with this bill in my area, and we are not pleased with what has happened in the area. I think I told about it in this House two years ago, and the condition is no better at this time.

We couldn't find any money for the poor trappers in my area, so I think the poor attorneys will have to get along the same way. I hope this bill doesn't receive passage and I support the motion before the House.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think if you look over that measure, you will find that there is an appropriation of \$180,000 for the Pine Tree Legal Association. I, myself, don't believe we should appropriate money to an organization to turn right around and sue the State. I think they are doing a lot of good; I am not going to question that, that is what they are doing, but I think they are going to cut down some of their services and I think we can get along without all that for the simple reason that one or two people who get some benefits advertise it around and everybody jumps on the bandwagon, and that is why the costs are so prohibitive.

I sincerely believe that Mr. Finemore was right when he moved for indefinite postpone of that measure, and I surely will support it.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: Thus far the arguments against the Pine Tree Legal have been deceptively simplistic. The amount of money that it costs to run such an outfit has been mentioned, and the unpardonable sin that the state or the counties or the municipalities have been sued for better services for the poor and those who have not had legal representation in this state, I say that an organization that has had the courage to take up the cudgels for the poor and has forced a municipality or a township or a state to give a better accounting of the money of the taxpayers, of all of us who have entrusted this money to the state, to the towns, to the village, that organization has not wasted the money of the state or the village or the town, that organization has seen to it that the money has been properly spent.

I have been in federal government a long time. I have come across many people in office in all kinds of bureaucracies, including the bureaucracy of education, and I know that very often it is the dream of a bureaucrat that he shall live from 9 to 5 without anybody causing any flak. But when a bureaucrat is permitted to live a life of ease, no trouble, no problem, no challenge, that is when the interest of the people of the state, the citizens, is in danger.

I can tell you that rather than the Pine Tree Legal doing things in a frivolous and irresponsible manner, they have very often served the cause of justice and have made the path of the bureaucracy or the government much easier.

As a member of the Bangor School Committee, I was involved with the Pine Tree Legal Assistance. I did not regard it as a challenge, I did not regard it as something which created a problem for me as a person, I regarded it that they had done a great service. The students of the Bangor High School wanted to put out a newspaper which would be in opposition or in addition, you might say, to the regular House journal. We all know how newspapers are put out in high school. There is a faculty advisor appointed. The faculty advisor is supposed to edit the paper and very often censorship occurs. Unwittingly, the policy of the Bangor School Committee was in direct opposition to the decision of the first court of appeals, in Massachusetts. There had been a case brought up against censorship of a high school newspaper, and the school committee came out second best. The high school students of Bangor High would have been perfectly justified to go to court, which would have cost the Bangor City a great deal of money to defend the school committee in the courts. Rather, the attorney for the Pine Tree Legal Assistance worked with the committee. He came to an open meeting of the committee and he presented the arguments of the students, he presented what would have been his case in court. The committee sat down with this attorney and worked out a policy as to censorship of high school publications, and I am proud to say that the policy of the Bangor School Committee is a model of student participation in democracy.

Let us not be wahoos in this House. Let us not immediately say that anyone who takes up the rights of people is curtailing government. As a person who spent 28 years in the federal service, I can tell you my actions were challenged every single day that I worked. And when I had to go into court and a man's freedom was at

stake, I did not mind getting banged about in cross examination. That is what the system is all about.

I want you to think very carefully about the simplistic arguments — money, trouble, this and that. This is what we are elected for, to be able to take it.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: It is hard to speak behind the gentleman who does so well at speaking as the gentleman from Bangor, Mr. Ingegneri but first, I want to say that he mentioned about working in federal government and working with federal government, but today I think a lot of us in this House helped finance federal government in quite an amount over a period of years. We do hate to see our money go down the drain.

In this bill, this isn't cutting out a program, this is just lack of funding for an office in Lewiston and Skowhegan and also reducing some of the help in Bangor and Portland. I never worked for the federal government, but I have 25½ years municipal experience and we have had many municipal experiences with the Pine Tree Legal Association. I have also worked 10 years here for the state, and I have tried hard to do the right thing for the people. But when you come in here and ask us to give \$185,000 appropriated money, as low as we are on money this year and as many needy programs as there are, such as SSI, receive the rent, tax relief, and the veterans get an increase from \$3,500 to \$7,000 on tax abatement from the towns, and we begin to talk about things like this which is doubtful if they are funded and begin to speak of \$185,000 to finance something that has been financed by the federal government. If these were so good, why didn't the federal government continue to finance them?

Also, in speaking this morning with some of the gentlemen from the other end of the hall, they said, "well, we expect this to die on the Appropriations Table." There is no doubt that it will die on the Appropriations Table, so why should we send the bill to the Appropriations Table, whose chairman or one of its members are in favor of this bill? This bill could be cut down to \$35,000, \$40,000 or \$50,000 and financed and that \$35,000 or \$50,000 could be money that we need in the worst way for some worthy L. D.'s that we have in here today.

If this would reopen two offices in these cities, if their track record was that good and if they need it, why did the federal government withdraw the funds? That is a question that should be answered in your minds.

Another question, can you answer me why the low-income people need a battery of lawyers to protect themselves against the public officials of the State of Maine? This is what we are doing. The towns are the ones in trouble. I don't believe there is any little town in my county — and that is the only one I can speak for — that are turning any poor down. We handled the poor in our towns for a good many years ourselves right direct. We finance them 100 percent, the state only pays for state help or unsettled people are the only ones that are paid for by the state. I don't think that anyone went needy in Aroostook County. I don't think that any child went to school that needed something.

This morning I hope that you will go along with the indefinite postponement of this bill and save it from going to the Appropriations Table and let's have the insides enough to say to ourselves that we are not going to let it go

the Appropriations Table and be killed there. Let's kill it here.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: This morning, as at many other times, people seem to think that the easiest way to kill a bill is to say that it is a lawyer's bill. This is not a lawyer's bill; this is a bill for low income and for the elderly. This is a bill concerning 35,000 people who have already been helped. I think it deserves a chance to go to the Appropriations Table.

The Appropriations Committee this year has been very free with 17-A because we know that there is not going to be much money left. In fact, some members of the Appropriations Committee can attest to my practically going into apoplexy signing some of the 17-A that I have, but this bill, I believe, should go to the table. Two offices have already closed, the case load has been dropped from 5,000 to 4,000.

As Chairman of the Maine Committee on Aging, I can attest to the services of Pine Tree Legal. If it were not for them, it might not have been possible to set up within the Bureau of Maine's Elderly the new program called Legal Services for Maine's Elderly. It was they who gave us the help and counsel that we needed in getting this program underway. As a result, hundreds of elderly are now being helped who would not have otherwise received any help. The elderly probably, of all the people in the state, are the most victimized, people who cannot afford attorneys. These are the people I am worried about, not the lawyers, so I would hope that you would not indefinitely postpone this bill this morning.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't planned to speak on this measure today and I want to assure you that I am speaking strictly as the Representative from the town of York just to give you my own experiences with Pine Tree Legal in a particular case that I had in my town. This dealt with a gentleman who lived in the back country of York whose house burned down this year. He went down to get a building permit to rebuild his house and he had been informed by the local authorities that they had a tax lien on it and they had taken that tax lien apparently back in 1971. He had paid his taxes subsequently and somehow had never seen the notice that they had sent him on his delinquent taxes for 1971. They amounted to a little less than \$7. And so for less than \$7, he had lost his property and the selectmen had refused to allow him to rebuild his house. He still had a lot of his belongings on the property and yet he was put off his land for a little less than \$7.

He came to me for help and the only source that I could turn to was Pine Tree Legal Association to make sure that he had his rights protected, that there would be some action taken for people who were coming onto his property and pilfering and that there would be some chance that he could get his land back.

Pine Tree Legal took the case. I am happy to report we had a change in our local ordinances during the town meeting this year, and the case now has been resolved and this gentleman has gotten back his land, which was taken away from him for a little less than \$7. So, I can just attest to the

usefulness of the Pine Tree Legal Association.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I listened very intently to the remarks of the good gentleman from Enfield, Mr. Dudley, and I was particularly interested in the remarks of the affable gentleman from Bridgewater, Mr. Finemore. I would make comment that not once, at least as far as I am concerned, and not once to my knowledge has there been one bill that has been signed out by the Appropriations Committee with the thought in mind or the comment, "Let's let this thing ride to the Appropriations Table and let it be taken care of from there." I think if you check the records back, you will see an insurmountable amount of 17-A's that have come out of the Appropriations Committee.

I don't think that I could add to the remarks of the gentleman from Bath, Mrs. Goodwin. I will have to second her comments by saying that she has not only amazed me but she, at times, has voted in manners which would make Barry Goldwater look like a flaming liberal and believe me, it really has knocked some of us over in our seats. As a matter of fact, on this measure, I signed along the line of the minority, and after being given the proper arguments, I have changed my philosophy and signed "ought not to pass." Consequently, the motion that I made that the majority report "ought to pass" which I hope happens after you defeat, if you do, the motion of the good gentleman from Bridgewater, Mr. Finemore to indefinitely postpone the bill.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I speak on behalf of this bill and would relate some of the experiences which I have had in my own district with Pine Tree Legal.

During the course of the campaign, I stopped at a house of a couple, the woman was in her 70's, the man was in his 80's, both were sick. They had just gotten a letter relating to Supplemental Security Income which stated that their SSI was going to be increased and that from now on they would be receiving \$47 a month, despite the fact that they had been receiving a \$123 a month. They called the state agency involved with this, the Department of Health and Welfare, which was a toll call from my district, and were told that they would be called right back after somebody had checked. Nobody called back. This couple was sick, they were old, there was no way that they could deal with this problem. I referred it to Pine Tree Legal assistance and very quickly the matter was straightened out.

I have had people call me because their family situation had completely come apart and had created a situation which endangered the health or well-being of one of the parties to a marriage. They were unable to afford the \$300 that it costs to get a divorce, and they have been able to go to Pine Tree Legal and have the matter referred to a private attorney who has done it for nothing.

I think the question before this House is whether we want the laws that we write and that we pass to be enforced equally

and fairly because anybody who has any experience in the legal profession knows that money talks, and that if somebody can come in with enough money, they can get a fair hearing, they can get justice. At the present time, if they don't have the money and it's \$35, \$40, \$50 an hour that you are talking about, if somebody does not have that kind of money, they don't get justice.

I think that there is real problem if this legislature is passing laws with the idea that the only people who will benefit from them are those who can afford to pay for attorneys. I think if we don't like the laws that we pass, they ought to be changed, but they certainly ought not to be enforced selectively for the advantage of those who can afford to hire lawyers.

I think that Pine Tree Legal has done an outstanding job and in some of the cases where they have had to go to court against the state or against a municipality, it has generally been because the state or the municipality is violating the laws which this legislature has passed. If we want to approve that or condone that, I think it is a sorry day for this legislature.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: On this bill, I would hope today that we do not vote for indefinite postponement. I think that my town has had their problems once in a while in the past with Pine Tree Legal, but this was back when it was a rather infant organization and once or twice since it has grown I would say into adulthood, but I would think, personally, that this is more of a misunderstanding between the municipal officials or municipal officers and the Pine Tree Legal Assistance group.

Personally, I feel that everyone in the State of Maine or anyone in the country, for that matter, has a right to be represented by a legal counsel, regardless of their financial status. The only reason that some of these towns have been opposed to Pine Tree Legal is because the municipal officers have tried to force their will on the poor people, knowing full well — and this is before Pine Tree Legal came into being — that these people had no one to turn to and no one to go to fight for them. But since Pine Tree Legal has been in existence, these people have had a chance to turn to an organization to have someone represent them.

Regardless of the organization, everyone, even a club that you belong to, is not perfect, you can find fault with anything. We could find fault with any bill that passes through our hands here in any session we serve. Everything is not perfect and I don't think anything is perfect, but I think these poor people do deserve an agency where they can turn and where they can look for help when they need it.

I would hope today that this would be an overwhelming vote of the House to vote against the motion to indefinite postponement.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have always supported programs for the poor people of this state and I shall continue to do so. The only thing that I disapprove of this association is the fact that arose in Westbrook when the police department made a raid on a home in Westbrook and when they brought the young people out for having possession of marijuana or whatever they had in that tube, it could

have been pot or something, I am not familiar with it, but the thing that bothered me the most was one of them said to the young girl, "Don't worry, we have free lawyers; we will always have free lawyers." When the chief of police told me this and explained that situation to me, I felt that we were encouraging this, and that bothered me.

As Mr. Dam has said, all programs are not perfect and I agree one hundred percent with that, but in order to keep our programs we cannot punish all the people for the few who ruin a good thing. I think many times that happens, and I think many times I would like to vote for a thing but when I see certain people ruining it, it makes you think twice. I would hate to feel that we were appropriating money, I don't like to appropriate money anyway, I feel that that is taxpayers' money and should be spent to the very best of our ability as intelligent people. But there are two sides to this. The question is, are we going to punish the people who need it for a few?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Just as a brief point of clarification. I appreciate the remarks of Mr. Laffin, and I think that there is a slight misapprehension. The Pine Tree Legal Assistance does not handle any criminal cases. The legal assistance for people who are accused of crime who can't afford an attorney is an entirely separate program which is mandated by the supreme court on the grounds that everybody is entitled to a defense in a criminal case, and the court appoints private attorneys to represent the indigent criminal defendant. Pine Tree Legal is engaged only in civil activities and does not get involved in any way in the defense of accused criminals.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am well aware of the supreme court rulings of helping people who do not have a lawyer. What I was referring to when these people were arrested was the remarks that were made to me by the chief of police that they did not have to worry, they were being taken care of by lawyers. This association does help them whether you know it or not.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: First, let me say that I am not against the Pine Tree Legal Association, but what I am against is spending state money in addition to other monies that they are getting. Two years ago, they tried that, the bill was defeated. I still think that the work they are doing they will keep on doing. The only thing, I don't think they should be doing it with state money, I think they should be doing it with federal money, so I am going to vote to indefinitely postpone the bill.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Just answer one thing that Mr. Spencer from Standish has said. I hate to try to debate a lawyer, that is almost impossible, but any people today, the SSI, are wrong in going to places to find out information when they can go to their own office of SSI and get it, which I am informing all of my recipients to do

and they have had very good success. I had one the other day who came in with a cut check, a very very large cut, over a \$100. I sent them up there and in a matter of five or ten minutes it was straightened out. That is the place to go, not to lawyers.

In answer to the gentleman from York, Mr. Rolde, I can't quite understand what he is talking about when he says the town is taking the property away from anyone. This is not customary in small towns. The land is taken by lien. That expires in 18 months. The lien is put on no less than eight months and no more than twelve after the taxes are past due. These are put on and when they expire, the town always, to 100 percent, offers it back to the people who are living on the property, the former owners of the property or the members of that family, whichever requests it. If not, it becomes town property immediately and is put into town property and later is sold at auction. I can't picture anyone losing a house for \$7 and I don't think there is anyone who has ever done any assessing or any town work in this house that can dispute what I say. I think there is something else in that that we aren't hearing about.

I am not against Pine Tree; they have done some good things and they have done some poor things. They have caused municipalities to spend money where it wasn't necessary. And again I say, in Aroostook County, I am speaking only for Aroostook County because I have no experience in the rest of them, but I have worked in Aroostook County from one end to the other and I find that no one has gone without, and I think any member of the Aroostook County Delegation will say the same. Again, I want to stress that no town in this state has taken the property away from anyone for \$7. Again, I want to stress that any member of this House, when any of their constituents ask them about SSI, refer them to the SSI Office. They are the ones who are qualified; they are the ones who will look after them, and they are the ones who will do it right.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that the gentleman from Bridgewater, Mr. Finemore, has had such good luck with his Social Security Office. It took me six months to straighten out just one SSI case, and if it took me six months of haranguing, you can imagine how long it has taken this poor woman on her own if she had had no one to turn to. She was lucky she knew me; she knew me when I was growing up, so she had someone to turn to. So it took the Chairman of the Committee on Aging and a State Representative six months to straighten it out. How long would it have taken her?

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the gentleman from Bridgewater, Mr. Finemore, and give you a little bit more information on this particular case that I discussed earlier. The procedure the gentleman has described is usually what happens in a town. However, our town passed a local ordinance which said that property taken by lien could only be sold at auctions, that the local owner would not have the chance to get back his property by paying his taxes in arrears. This puts the selectmen in the position of in effect taking the land from this

person. What I was concerned about was, what the person's rights were while he no longer had access to his land. This is where Pine Tree Legal came in. They were also very helpful in preparing legal work so that this ordinance that we had on the books could be changed and the gentleman could get his land back finally.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It is my understanding that this doesn't put Pine Tree Legal out of business, it stops them from expanding to any extent, but it doesn't put them out of business. About the \$7, that sounds like a small amount to make such a hassle over. There seems there should have been some way to take it up other than having to have someone like Pine Tree Legal handle it. They seem to be an expensive item.

What I am opposed to and the people in my area, nothing has been said about the innocent that they have had and found not guilty. I had a man in my town, his child was accused of pushing one of these poor people on the school bus. He had it up in court. All the school children on the bus had to go to court. My brother is a school bus driver and he had to go. It cost the man that was involved on the other side over \$2,000. No one helped him pay his, and the case was found that he wasn't at fault. These are the types of cases that we have had in our area. They had to curtail their operation of getting people divorces because they didn't have money enough. I am afraid if we give them more, they will be in that field again. And those people they helped get divorces for in my area are still living together. The only benefit they are getting, they now get mother's aid, but they are still living together. So when they are short of funds — recently they have stopped doing that, but I understand if they are getting more money they will be back in that area again.

My area has had very very poor response from these people, and nothing has been said about the cases that they have had in court and didn't win and cost the poor other people on the other side a lot of money to defend themselves. This is what has happened in my area.

What I have heard sitting here this morning, I was led to believe from the conversation here that the Pine Tree won all these cases for all these poor people. Well, in my area they didn't win any. They might have helped someone get social security that I don't know about, but I think somebody would have done that as well, but they have caused an awful lot of turmoil in my area and cost some innocent people a lot of money.

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 Bridgewater, Mr. Finemore, that Bill "An Act to Provide Funds to Pine Tree Legal Assistance, Inc., for Continued Legal Representation for Those in Need," Senate Paper 133, L. D. 438, and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berube, Binnette, Birt, Bowie, Burns, Byers, Call, Conners, Cote, Doak, Dudley, Durgin, Farnham, Fenlason, Finemore, Gauthier, Gould, Gray, Hunter, Hutchings, Immonen, Jackson, Kauffman, LeBlanc, Leonard, Littlefield, Lovell, MacEachern, MacLeod, Martin, A.; Martin, R.; Maxwell, McBreairty, Morin, Nadeau, Peterson, P.; Raymond, Rideout, Rollins, Shute, Sprowl, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Walker.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Boudreau, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Dow, Drigotas, Farley, Faucher, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hennessey, Higgins, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, Lewin, Lewis, Lunt, Lynch, McKernan, Mills, Miskavage, Mitchell, Morton, Mulken, Najarian, Norris, Palmer, Peakes, Pelosi, Peterson, T.; Pietce, Post, Powell, Quinn, Rolde, Saunders, Snow, Snowe, Spencer, Stubbs, Susi, Talbot, Tierney, Twitchell; Usher, Wagner, Winship, The Speaker.

ABSENT — Blodgett, DeVane, Dyer, Garsoe, Hall, Hewes, Hinds, Hobbins, Lizotte, Mackel, Mahany, McMahan, Perkins, S.; Perkins, T.; Silverman, Smith, Strout, Tyndale, Webber, Wilfong.
Yes, 49; No, 82; Absent, 20.

The SPEAKER: Forty-nine having voted in the affirmative and eighty-two in the negative, with twenty being absent, the motion does not prevail.

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

The following paper from the Senate was taken up out of order by unanimous consent:

Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government for the Current Fiscal Year Ending June 30, 1975" (S. P. 231) (L. D. 775) reporting "Ought to Pass" in New Draft under same Title (S. P. 390) (L. D. 1138)

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

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

Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-34) on Bill "An Act Creating the Newport Water District" (Emergency) (S. P. 194) (L. D. 661)

Report was signed by the following members:

Messrs. GREELEY of Waldo
CYR of Arrostook
Mrs. CUMMINGS of Penobscot
— of the Senate.

Messrs. NADEAU of Sanford
KELLEHER of Bangor

LITTLEFIELD of Hermon

LUNT of Presque Isle

BERRY of Buxton

GRAY of Rockland

SPENCER of Standish

Mrs. SAUNDERS of Bethel

Mrs. TARR of Bridgton

— of the House.

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

Report was signed by the following members:

Mr. LEONARD of Woolwich

— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended.

In the House: Reports were read.

On motion of Mr. Nadeau of Sanford, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-34) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-concurrent Matter

Bill "An Act Designating the Bureau of Taxation as the State Revenue Bureau and to Correct Errors and Inconsistencies in the Property Tax Laws" (H. P. 110) (L. D. 156) which was passed to be engrossed in the House on March 12.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-36) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Permit Insurers to Limit Liability on Accident Policies in Certain Situations" (H. P. 24) (L. D. 32) which was passed to be engrossed in the House on February 26.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-35) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Eliminate the 10-day Advance Notice Requirement on License Applications to Sell Liquor at Certain Gatherings" (S. P. 102) (L. D. 357) which was passed to be engrossed as amended by Committee Amendment "A" (S-15) on March 6.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-15) and Senate Amendment "A" (S-33) in non-concurrence.

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

Petitions, Bills and Resolves

Requiring Reference

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

Agriculture

Bill "An Act Relating to Agricultural Fairs" (Emergency) (H. P. 1106) (Presented by Mr. Mahany of Easton)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Automatic

Cost-of-Living Wage Adjustments Every Six Months for State Employees" (H. P. 1071) (Presented by Mrs. Clark of Freeport)

Bill "An Act to Authorize Bond Issue in the Amount of \$6,500,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine" (H. P. 1061) (Presented by Mr. Hughes of Auburn) (Cosponsors: Mrs. Miskavage of Augusta, Mrs. Boudreau of Portland, Mr. Morton of Farmington)

Bill "An Act Making Capital Construction and Improvement Appropriations for the University of Maine from the General Fund for the Fiscal Year Ending June 30, 1976" (Emergency) (H. P. 1062) (Presented by Mr. Hughes of Auburn) (Cosponsors: Mrs. Miskavage of Auburn, Mrs. Boudreau of Portland, Mr. Morton of Farmington)

Bill "An Act to Authorize and Provide Revenue for the Installation of Flood Warning Devices on Major Rivers in the State of Maine" (H. P. 1131) (Presented by Mr. Stubbs of Hallowell) (Cosponsors: Mr. Bowie of Gardiner, Mr. Lewin of Augusta, Mr. LeBlanc of Van Buren)

Bill "An Act Appropriating Funds to the Advisory Council on the Status of Women" (H. P. 1138) (Presented by Mrs. Goodwin of Bath)

Bill "An Act to Maintain Aid for Dependent Children Payments at the Present Level" (H. P. 1085) (Presented by Mrs. Najarian of Portland) (Cosponsors: Mr. Kelleher of Bangor, Mr. Connolly of Portland)

Bill "An Act to Appropriate Funds to the Community Industrial Building Fund under the Maine Guarantee Authority" (H. P. 1110) (Presented by Mr. Silverman of Calais)

Bill "An Act Concerning Municipal Recreation Fund Grants by the Department of Conservation" (H. P. 1091) (Presented by Mr. Stubbs of Hallowell)

(Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act Relating to Protection of Consumers in the Purchase of Hearing Aids" (H. P. 1136) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Regulate Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers" (H. P. 1137) (Presented by Mr. Jacques of Lewiston)

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

Mr. Fraser of Mexico moved the Bill be referred to the Committee on Transportation.

On motion of Mrs. Clark of Freeport, tabled pending the motion of Mr. Fraser of Mexico to refer to the Committee on Transportation and tomorrow assigned.

Business Legislation cont'd.

Bill "An Act Concerning the Coverage of Newborn Children under Certain Health Insurance Policies and under Certain Hospital and Medical Service Organizations" (H. P. 1096) (Presented by Mr. Hobbins of Saco)

Bill "An Act to Amend the Maine Consumer Credit Code as it Relates to the Refinancing of Single Payment Loans Granted by Supervised Financial

Organizations" (Emergency) (H. P. 1063) (Presented by Mrs. Clark of Freeport)

Bill "An Act Relating to Notice of Consumer Right to Cure" (H. P. 1064) (Presented by Mrs. Clark of Freeport)

Bill "An Act Relating to Application of Payments under the Maine Consumer Credit Code" (H. P. 1065) (Presented by Mrs. Clark of Freeport)

(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act Relating to Teacher Certification" (H. P. 1069) (Presented by Mr. Bagley of Winthrop)

Bill "An Act to Require Bicycle Safety Education in Public Schools" (H. P. 1079) (Presented by Mr. Carroll of Limerick)

Bill "An Act Concerning the Qualification of Persons Allowed to Vote at District Budget Meetings of School Administrative Districts" (H. P. 1108) (Presented by Mr. Wilfong of Stow)

(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act Concerning the Furnishing of Registration Lists to Certain Candidates" (H. P. 1125) (Presented by Mr. Jensen of Portland)

Bill "An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine" (H. P. 1128) (Presented by Mr. Jensen of Portland) (Cosponsor: Mr. Birt of East Millinocket)

Bill "An Act to Provide for Specimen Ballots Written in the French Language" (H. P. 1132) (Presented by Mr. Curran of South Portland) (Cosponsors: Mr. Hobbins of Saco, Mr. Martin of St. Agatha)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Provide Combination Fishing and Hunting Licenses to Maine Servicemen at a Reduced Fee" (H. P. 1087) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act Prohibiting the Taking of Wild Animals by Use of Mechanical Devices Mounted on Motor Vehicles" (H. P. 1116) (By request) (Presented by Mr. Dow of West Gardiner)

(Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Clarify the Medical Practice Act" (H. P. 1100) (Presented by Mr. Stubbs of Hallowell)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Redirect the Use of Plumbing Permit Fees" (H. P. 1092) (Presented by Mr. Stubbs of Hallowell)

Committee on Reference of Bills suggested the Committee on Health and Institutional Services.

On motion of Mr. Faucher of Solon, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Health and Institutional Services cont'd.

Bill "An Act to Institute a Fee System for Hospital, Nursing Home and Boarding Home Licenses to Fund Costs of Licensing" (H. P. 1129) (Presented by Mrs. Saunders of Bethel)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act to Redefine the Political Activity Rights of Classified Employees of the State" (H. P. 1093) (Presented by Mr. Pelosi of Portland)

Bill "An Act to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-offender" (H. P. 1114) (Presented by Mr. Mulkern of Portland) (Cosponsor: Mr. Talbot of Portland)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Establish Privileged Communication for School Counselors" (H. P. 1068) (Presented by Mr. Bagley of Winthrop)

Bill "An Act to Provide Compensation for Victims of Violent Crimes" (H. P. 1088) (Presented by Mr. Connolly of Portland)

(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Require that Motor Vehicles Registered in this State Carry Liability Insurance" (H. P. 1089) (Presented by Mr. Stubbs of Hallowell)

Committee on Reference of Bills suggested the Committee on Judiciary.

(On motion of Mr. Stubbs of Hallowell, tabled pending reference and tomorrow assigned)

Judiciary cont'd

Bill "An Act Relating to Review by the Superior or Supreme Judicial Court of a Juvenile Court's Decision to Bind Over" (H. P. 1120) (Presented by Mr. Cooney of Sabattus)

Bill "An Act Providing for a Bill of Rights for Law Enforcement Officers" (H. P. 1127) (Presented by Mr. Jensen of Portland)

Bill "An Act Concerning the Confidentiality of Records Held by the Department of Mental Health and Corrections, Certain Hospitals and Other Facilities" (H. P. 1130) (Presented by Mr. Kennedy of Gray)

Bill "An Act to Rationalize the Penalties of Certain Drug Offenses" (H. P. 1133) (Presented by Mr. Higgins of Scarborough)

Bill "An Act Pertaining to the Choice of Counsel Retained to Perform a Title Search" (H. P. 1135) (Presented by Mr. Higgins of Scarborough)

Bill "An Act Relating to Irreconcilable Marital Differences as a Ground for Divorce" (H. P. 1098) (Presented by Mr. Faucher of Solon)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act Relating to the Prevailing Wage Law under the Labor and Industry Statutes" (H. P. 1078) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to Clarify the Severance Pay Statute" (H. P. 1082) (Presented by Mr. Farley of Biddeford)

Bill "An Act Relating to Notice or Severance Pay by Employer" (H. P. 1083) (Presented by Mr. Farley of Biddeford)

Bill "An Act Relating to Certain Exemptions under the Minimum Wage Law" (Emergency) (H. P. 1102) (Presented by Mr. Farley of Biddeford)

Bill "An Act Relating to the Definition of Employment under the Employment Security Law" (H. P. 1103) (Presented by

Mr. Mulkern of Portland) (Cosponsors: Mr. Ingengeri of Bangor, Mrs. Najarian of Portland)
(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Concerning the Installation of Sprinkler Systems in Certain Types of New Additions to Hotels" (H. P. 1077) (Presented by Mr. Wilfong of Stow)

Resolve, to Reimburse W. E. Emery of North Anson for Loss of Livestock by Coyotes and Bear (H. P. 1090) (Presented by Mr. Faucher of Solon) (Approved for introduction by a majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Bill "An Act to Create Hospital Administrative District No. 5 in Piscataquis and Penobscot Counties" (Emergency) (H. P. 1099) (Presented by Mr. Winship of Milo)

Bill "An Act Relating to Innkeepers, Victualers and Lodging Houses" (H. P. 1115) (Presented by Mr. MacLeod of Bar Harbor)

Bill "An Act Relating to Stray Cats" (H. P. 1119) (Presented by Mr. MacLeod of Bar Harbor)

Bill "An Act Relating to Stray Cats" (H. P. 1119) (Presented by Mr. Wagner of Orono)
(Ordered Printed)
Sent up for concurrence.

Liquor Control

Bill "An Act to Permit Payment of Fines by Offers in Compromise from Beer and Wine Wholesale Licensees and Holders of Certificates of Approval in Lieu of Suspension" (H. P. 1072) (Presented by Mr. Kelleher of Bangor)

Bill "An Act Relating to Retail Sale of Dessert Wine" (H. P. 1101) (Presented by Mr. McKernan of Bangor) (Cosponsor: Mrs. Najarian of Portland)

Bill "An Act to Make the Price of Liquor Sold to State Licensees Uniform Throughout the State" (H. P. 1109) (Presented by Mr. Stubbs of Hallowell)
(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Authorize Oxford County to Raise Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Northern Oxford County Area" (H. P. 1094) (Presented by Mr. Fraser of Mexico) (Cosponsor: Mr. Theriault of Rumford)
(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Concerning Prima Facie Evidence that a Lobster is Female" (H. P. 1074) (Presented by Mr. Jackson of Yarmouth) (Cosponsor: MR. Greenlaw of Stonington)

Bill "An Act to Prohibit the Plugging of Lobsters" (H. P. 1075) (Presented by Mr. Greenlaw of Stonington) (Cosponsor: Mr. Jackson of Yarmouth)

Bill "An Act Relating to Commercial Fishing and the Increase of Certain License Fees Issued by the Department of Marine Resources" (H. P. 1118) (Presented by Mr. Jensen of Portland) (Cosponsor: Mr. Greenlaw of Stonington)

Bill "An Act to Increase the Statutory Limitations on the Accumulation of Tax Revenues in the Maine Coastal Protection Fund to Ten Million Dollars" (H. P. 1126) (Presented by Mr. Jensen of Portland)
(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act Relating to the Saco River Corridor Commission Law" (H. P. 1123) (Presented by Mrs. Berube of Lewiston) (Cosponsor: Mr. Palmer of Nobleboro)
(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Sources of Supply and Authority of Yarmouth Water District" (H. P. 1076) (Presented by Mr. Jackson of Yarmouth) (Approved for introduction by a majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Bill "An Act to Clarify the Fuel Adjustment Clause under the Public Utility Law" (H. P. 1086) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act Relating to the Regulation of Dams and Reservoirs by the Bureau of Civil Emergency Preparedness" (H. P. 1107) (Presented by Mr. Stubbs of Hallowell)
(Ordered Printed)
Sent up for concurrence.

State Government

Resolution, Proposing an Amendment to the Constitution Providing for Four-Year Terms for Legislators (H. P. 1070) (Presented by Mr. Stubbs of Hallowell) (Cosponsor: Mrs. Hutchings of Lincolnville)

Bill "An Act Establishing an Office of Citizen Assistance" (H. P. 1073) (Presented by Mr. Henderson of Bangor) (Cosponsors: Mr. Spencer of Standish, Mrs. Kany of Waterville, Mr. Palmer of Nobleboro)

Resolution, Proposing an Amendment to the Constitution Repealing the Provisions for Municipal Home Rule. (H. P. 1081) (Presented by Mr. Farley of Biddeford)

Resolution, Proposing an Amendment to the Constitution to Provide for Appointment of the Attorney General by the Governor (H. P. 1097) (Presented by Mr. Birt of East Millinocket)

Resolution, Proposing an Amendment to the Constitution Providing that the Minimum Age for State Representatives be Eighteen (H. P. 1117) (Presented by Mr. Kennedy of Gray)

Bill "An Act Relating to Personnel Classification and Functions of the Review and Evaluation and Fraud Investigation Division of the Department of Audit" (H. P. 1122) (Presented by Mrs. Berube of Lewiston)

Bill "An Act to Reorganize the Department of Personnel" (H. P. 1124) (Presented by Mr. Farnham of Hampden)
(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Exempt Fuels used for Commercial Fishing from the State Sales Tax" (H. P. 1066) (Presented by Mr. Greenlaw of Stonington) (Cosponsor: Mrs. Post of Owls Head, Mr. Jackson of Yarmouth, Mrs. Byers of Newcastle)

Bill "An Act to Exempt Residential Use of Water from the Sales Tax" (H. P. 1067) (Presented by Mr. Henderson of Bangor)

Bill "An Act to Exempt Certain Used and Reconditioned Machinery and Equipment from the Sales Tax" (H. P. 1095) (Presented by Mr. Stubbs of Hallowell)

Bill "An Act Relating to Assessing Standards" (H. P. 1104) (Presented by Mr. Stubbs of Hallowell)
(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Authorize Municipal Officials to Place Traffic Signal on Portions of State Aid Roads which Pass Through Municipalities" (H. P. 1084) (Presented by Mr. Stubbs of Hallowell)

Bill "An Act to Change the Definition of Compact Area in the Highway Statutes" (Emergency) (H. P. 1105) (Presented by Mr. Stubbs of Hallowell)

Bill "An Act Relating to Relocating the Maine Turnpike Authority Toll Booth from Augusta to Gardiner" (H. P. 1121) (Presented by Mr. Lewin of Augusta) (By request)

Bill "An Act to Require Lane Markings on Highways and Roads to be Yellow" (H. P. 1134) (Presented by Mr. Higgins of Scarborough)

(Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Horace Strout of Hollis Center (H. P. 1080) (Presented by Mr. Carroll of Limerick)
(Ordered Printed)
(Sent up for concurrence.)

Orders

Mr. Wilfong of Stow presented the following Joint Order and moved its passage: (H. P. 1111)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Louis Gagnon Second Place Titleholder in the Unlimited Class State Wrestling Tournament 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. Wilfong of Stow presented the following Joint Order: (H. P. 1112)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Fryeburg Academy Raiders Western Class "C" 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.

Mr. Wilfong of Stow presented the following Joint Order and moved its passage: (H. P. 1113)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Fryeburg Academy Ski Team Maine Prep

School 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 for the week of March 24th for personal reasons.

House Reports of Committees Ought Not to Pass

Mr. Kauffman from the Committee on Fisheries and Wildlife on Bill "An Act to Lower the Age Requirement for Complimentary Hunting and Fishing Licenses to 65 Years" (H. P. 620) (L. D. 767) reporting "Ought Not to Pass"

Mrs. Laverty from the Committee on Health and Institutional Services on Bill "An Act to Permit the Advertising of Prescription Prices" (H. P. 149) (L. D. 168) reporting same.

Mr. Cooney from the Committee on State Government on Bill "An Act to Remove from the Personnel Law the Position of Director of the Bureau of Corrections" (H. P. 589) (L. D. 729) reporting same.

Mr. Farnham from the Committee on State Government on Bill "An Act Repealing the Mandatory Incorporation of Regional Planning Commissions" (H. P. 278) (L. D. 330) reporting same.

Mrs. Kany from the Committee on State Government on Bill "An Act to Promote the Professional Standards of the Unclassified Service" (H. P. 408) (L. D. 497)

Mr. Walker from the Committee on Local and County Government on Bill "An Act Increasing Salary of County Treasurer of Aroostook County" (H. P. 111) (L. D. 151) reporting same.

Mr. Henderson from the Committee on Local and County Government on Bill "An Act to Provide for the At-Large Election of County Commissioners of Oxford County" (H. P. 190) (L. D. 229) reporting same.

Mr. Henderson from the Committee on Local and County Government on Bill "An Act to Increase Salary of Clerk of Courts of Washington County" (H. P. 199) (L. D. 244) reporting same.

Mrs. Berube from the Committee on Local and County Government on Bill "An Act to Increase the Salary of the Register of Probate for Washington County" (H. P. 319) (L. D. 392) reporting same.

Mrs. Berube from the Committee on Local and County Government on Bill "An Act to Increase Salaries of County Officers for the County of Somerset" (H. P. 377) (L. D. 470) reporting same.

Mr. Carpenter from the Committee on Local and County Government on Bill "An Act to Increase the Salary of the Register of Probate of Cumberland County" (H. P. 501) (L. D. 617) reporting same.

Mr. Dam from the Committee on Local and County Government on Bill "An Act to Increase the Salary of Sheriff of Washington County" (H. P. 548) (L. D. 676) reporting same.

Mr. Carpenter from the Committee on Local and County Government on Bill "An Act to Provide for County Commissioner Districts in Cumberland County and to Provide Four-Year Terms for Cumberland County Commissioners" (H. P. 552) (L. D. 680) reporting same.

Mr. Dam from the Committee on Local and County Government on Bill "An Act to Increase the Annual Salaries of Certain County Officials by 20 Percent" (H. P. 784) (L. D. 955) reporting same.

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Provide Elected District Attorneys and Assistant District Attorneys with Fringe Benefits" (Emergency) (H. P. 215) (L. D. 270) reporting same.

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds for an Additional Assistant District Attorney in Prosecutorial District 6" (H. P. 76) (L. D. 88) reporting same.

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Night Pay Differential for State Employees" (H. P. 485) (L. D. 604) reporting same.

Were placed in the legislative files without further action pursuant to Joint Rule 17-A.

Leave to Withdraw

Mr. Peterson from the Committee on Fisheries and Wildlife on Bill "An Act to Commence the Ice Fishing Season on January 15th" (H. P. 797) (L. D. 970) reporting "Leave to Withdraw"

Mr. Silverman from the Committee on Health and Institutional Services on Bill "An Act to Establish a Drug Formulary Commission and to Require the Use of Generic Names in Prescriptions for Certain Drugs" (H. P. 38) (L. D. 49) reporting same.

Mr. Cooney from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council (H. P. 34) (L. D. 45) reporting same.

Mr. Cooney from the Committee on State Government on Resolution Proposing an Amendment to the Constitution to Abolish the Executive Council (H. P. 48) (L. D. 60) reporting same.

Mr. Cooney from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers (H. P. 184) (L. D. 230) reporting same.

Mr. Albert from the Committee on Election Laws on Bill "An Act Providing for a Statutory Warning on Applications for Absentee Ballots" (H. P. 32) (L. D. 40) reporting same.

Mr. Pierce from the Committee on Business Legislation on Bill "An Act Concerning the Powers of the Bureau of Consumer Protection Concerning Fraudulent and Unconscionable Conduct and Unconscionable Agreements" (H. P. 611) (L. D. 754) reporting same.

Mr. Smith from the Committee on Appropriations and Financial Affairs on Resolve, Providing Funds for the Lumberman's Museum in Patten, Maine (H. P. 55) (L. D. 67) reporting same.

Mr. Smith from the Committee on Appropriations and Financial Affairs on Resolve, Appropriating Funds for Little Brothers Association of Greater Portland, Inc. (H. P. 555) (L. D. 683) reporting same.

Reports were read and accepted and sent up for concurrence.

Referred to 108th Legislature

Mr. Carpenter from the Committee on State Government on Bill "An Act to Regulate the Removal of Historic and Culturally Significant Structures from within the Boundaries of the State of Maine" (H. P. 591) (L. D. 731) reporting that it be referred to the 108th Legislature.

Was referred to the 108th Legislature and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Limit the Prohibition against Issuing Trappers' Licenses to Persons Convicted of Certain Offenses" (H. P. 428) (L. D. 522) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Prohibit the Department of Inland Fisheries and Game from Issuing Licenses to Persons Convicted of Certain Offenses" (H. P. 1139) (L. D. 1139)

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-102) on Bill "An Act to Permit Furloughs for Prisoners of County Jails" (H. P. 427) (L. D. 521)

Report was signed by the following members:

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

- Messrs. PERKINS of South Portland
- SPENCER of Standish
- HEWES of Cape Elizabeth
- HENDERSON of Bangor
- HUGHES of Auburn
- BENNETT of Caribou
- HOBBINS of Saco

- Mrs. MISKAVAGE of Augusta
- of the House.

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

Report was signed by the following members:

- Messrs. McMAHON of Kennebunk
- GAUTHIER of Sanford
- of the House.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I move that you accept the Minority "Ought not to pass" Report of the Committee on Judiciary.

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat lost on this bill this morning. I was just looking at my L. D.'s and it is probably one of many that I can't find. Would someone just mind explaining this bill and what it does and what the intent of the bill is?

The SPEAKER: The gentleman from

Bangor, Mr. Kelleher, poses a question through the Chair to any person who cares to answer.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: In answer to Mr. Kelleher's request, I would like to say that this bill gives a furlough to anyone that requests it that are in county jails for a period of time. If they request a furlough and are on good behavior, they can have so many days off while they are in a county jail.

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

Mr. KELLEHER: Mr. Speaker, I would like to pursue this further with another question. Does this affect the work-furlough program at all that is now being implemented in our county prison system?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses another question through the Chair to anyone who may care to answer.

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

Mr. PERKINS: Mr. Speaker and Members of the House: Generally, this bill brings in line the activities presently taking place in the county jails from the standpoint of prison inmates at Maine State Prison who are transferred to the county jails for purposes of work release and furlough programs. Under the present law, the county sheriffs are not permitted to release their own inmates for the same purpose by which the individuals or inmates of the Maine State Prison transferred to them are permitted to do.

In other words, if I were confined in the county jail, I could not be released for a furlough. If I was sent to the Maine State Prison, I could be released to the county jail for purposes of furlough program, which doesn't seem quite fair, because, as you know, those who are sent to the Maine State Prison supposedly are worse criminals than those that are staying in the county jails. Therefore, this is merely to bring into line that activity which is presently authorized for those inmates at the Maine State Prison that is not for those inmates in the county jail.

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

Mr. SPENCER: Mr. Speaker and Members of the House: At the present time in the Maine State Prison system, a prisoner can be released on furlough for a period up to 10 days. In the county jails there is no furlough provision. This has created a particular problem in the situation where a prisoner becomes ill and needs hospitalization. Because there is no furlough program, the county jails are required to post guards at the hospital while the prisoner is in the hospital. They have to post a 24-hour-a-day guard in the hospital.

This bill provides for a prisoner to be released on entrustment for medical reasons where he is committed to the hospital. It also provides that a prisoner in a county jail can be released on furlough for up to 5 days, which is half the time that a prisoner in the State Prison can be released, when it is felt necessary by the county jail officials in a case where there is a funeral or death in the family and the jail feels that it would be proper to allow him to go to the funeral where he is getting close to the time when he is going to be getting released and he has a job opportunity but

he has to travel a distance to go and get that job, and so on. It does not provide that anybody can have a furlough, but it gives the county jail the authority to grant them up to 5 days, which I repeat is half of the time allowed by the State Prison system.

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

Mr. BINNETTE: Mr. Speaker, I would like to pose a question. I have listened with great interest to the gentleman from Standish in regard to 5 days. How about many of these people committed to the county jail for 10 days or 15 days or 20 days. Are they going to be eligible for this vacation too?

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

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

Mr. SPENCER: Mr. Speaker, I think that the answer to that question would be yes. But I think that on the shorter sentences that the sheriffs would not grant vacations to the people who were there for a few days. I think that they would have the authority to grant furloughs, but I think there would be no need for it in a situation that involved that kind of a sentence. The thrust of the bill was to enable them to permit prisoners to leave the jail for relatively short periods of time where they were serving a longer sentence. The county jail sentences can go up to one year, so we thought the period should be shorter than it would be for the State Prison but, still, there ought to be some flexibility in the sheriffs.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Binnette of Old Town ask a very good question. In fact, that is one of the reasons why I voted against the bill, and so did Mr. McMahon who isn't here today.

It was mentioned to you that the State Prison people who are under the sheriff in the county have these men from the State Prison, these people have been sentenced to several years in the State Prison and they are still under the State Prison, but when they do get that furlough, they come into the county jails, they have had a good record, they have been in State Prison for many years and they are in there just on this work program.

Secondly, when this bill came before our committee, there were two or three sheriffs in the audience, and I asked one of the sheriffs, when he spoke in favor of this bill, I said, "Would you please answer me and tell me how long in the county jail are these people there for on the average?" he gentleman replied to me, "They are there on an average of 30 days."

I request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I am against this bill, but I would like to see it pass so you can have the same experience that we have had in Knox County. It is presently costing us about a dollar per capita for crimes committed by inmates not only in the prison but while they are out on furlough. In other words, we are a small county of about 30,000 people, and it is costing us about a dollar per capita for crimes committed by inmates out on furlough, out on work release. They have

even run over our local policemen and killed them at roadblocks. I think after you have had experience with this for about two years, you might be able to sympathize with the problem that we have had down at the hotel there in Thomaston.

I would like to see this bill passed for this purpose only. I think probably when you come back another session that you will either repeal this bill or you will want the state to take over the costs of prosecuting and taking care of these problems. Not only do we have to pay for transportation and prosecution, but also defense lawyers.

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

Mr. CALL: Mr. Speaker and Members of the House: There have been too many abuses now with the State Prison furlough program. In fact, a convicted rapist is on the loose now after stabbing the clergyman who was acting as his custodian while he was on furlough.

Two wrongs don't make a right. We should be establishing defenses against permissiveness, not adding to the leniency which has gone too far now.

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

Mr. LAPOINTE: Mr. Speaker, I would like to partially respond to the gentleman from Rockland, Mr. Gray's comment. It seems terribly ironic, and I am not attempting to be terse with the gentleman in any way at all, but the sheriff of Knox County actually came to the Judiciary Committee when the bill was up for public hearing and spoke in favor of the measure.

Relative to the problem that people are discussing with the state furlough program, if you are having a problem with the state furlough program, put in a bill and eliminate it. Most of the people who have argued consistently in opposition to this bill are always making reference to the furlough program that is run by the Bureau of Corrections. If you disagree with that program, put a bill in and let's discuss that bill as a separate issue.

But essentially what this bill does, it allows the sheriffs in the counties in the State of Maine to develop rules and regulations to permit furloughs for inmates of county jails, which are not rapists, usually aren't bank robbers, which usually aren't child molesters, but people who are in for lesser offenses. So I think it is just a simple question of dealing with the state furlough system program by putting in legislation to do away with it and discussing it as a separate issue. But as far as the furlough program for the county jails, I think it would be under the control of the sheriffs. The sheriffs do support it and it doesn't mandate furloughs, it is discretionary — it is purely discretionary. So I think that is the simple issue.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Sanford, Mr. Gauthier, that the House accept the Minority "Ought Not to Pass" Report on Bill "An Act to Permit Furloughs for Prisoners of County Jails," House Paper 427, L. D. 521. All in favor of

that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Berube, Binnette, Blodgett, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Cote, Curtis, Dam, Doak, Dow, Dudley, Durgin, Farley, Farnham, Faucher, Finemore, Gauthier, Gould, Gray, Higgins, Hunter, Hutchings, Immonen, Kauffman, Kelley, Leonard, Lewin, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreaarty, Morin, Morton, Palmer, Raymond, Rideout, Rollins, Saunders, Shute, Sprowl, Stubbs, Tarr, Theriault, Torrey, Tozier, Truman, Usher, Walker.

NAY — Bachrach, Bagley, Bennett, Berry, P. P.; Birt, Bustin, Churchill, Clark, Conners, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, Drigotas, Fenlason, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hennessey, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lewis, Martin, R.; McKernan, Mills, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Snow, Snowe, Spencer, Susi, Talbot, Teague, Tierney, Twitchell, Wagner, Winship, The Speaker.

ABSENT — Boudreau, DeVane, Dyer, Garsoe, Hall, Hewes, Hinds, Hobbins, Littlefield, Lizotte, McMahon, Perkins, T.; Silverman, Smith, Strout, Tyndale, Webber, Wilfong.

Yes, 64; No, 69; Absent 18.

The **SPEAKER**: Sixty-four having voted in the affirmative and sixty-nine in the negative, with eighteen being absent; the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (H-102) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Consent Calendar
First Day**

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

Bill "An Act to Clarify the Personnel Law as to Staff Attorneys in the Office of Attorney General" — Committee on State Government reporting "Ought to Pass" (H. P. 618) (L. D. 764)

Bill "An Act Relating to Town Maintenance of Highways in Compact Areas" — Committee on Transportation reporting "Ought to Pass" (H. P. 581) (L. D. 720)

Bill "An Act to Transfer Authority for Truth-in-Lending Examinations and Enforcement from the Bureau of Banks and Banking to the Bureau of Consumer Protection" (Emergency) — Committee on Business Legislation reporting "Ought to Pass" (H. P. 323) (L. D. 454)

Bill "An Act to Ensure Equitable Billing Practices by Creditors Engaged in Open-end Credit Pursuant to Lender Credit Cards under the Consumer Credit Code" — Committee on Business Legislation reporting "Ought to pass" (H. P. 579) (L. D. 714)

Bill "An Act to Clarify the Consumer Credit Code" (Emergency) — Committee on Business Legislation reporting "Ought to Pass" (H. P. 599) (L. D. 742)

Bill "An Act to Repeal a Certain

Provision in the Consumer Credit Code Concerning Relinquishment of the License of a Supervised Lender" — Committee on Business Legislation reporting "Ought to Pass" (H. P. 609) (L. D. 752)

Bill "An Act to Delete the Requirement that Taverns Serve Men Only" — Committee on Human Resources reporting "Ought to Pass" (H. P. 314) (L. D. 390)

Bill "An Act to Place Certain Safeguards on the Proceedings of Medical Review Committees" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-103) (H. P. 490) (L. D. 609)

Bill "An Act Relating to the Labeling of Shrimp" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-32) (S. P. 195) (L. D. 645)

Bill "An Act to Provide for Marine Resource Education by the Department of Marine Resources" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-31) (S. P. 222) (L. D. 735)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 25, 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 to Exempt Veterans from the Moratorium on Issuance of Lobster and Crab Fishing Licenses" (Emergency) (C. "A" H-99) (H. P. 604) (L. D. 747)

No objection having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent to the Senate for concurrence.

**Second Readers
Tabled and Assigned**

Bill "An Act Relating to the Transfer of Misdemeanor Proceedings without Trial to the Superior Court" (H. P. 1045) (L. D. 1111)

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

(On motion of Mr. Hughes of Auburn, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspension" (H. P. 333) (L. D. 405)

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

(On motion of Mrs. Lewis of Auburn, tabled pending passage to be engrossed and specially assigned for Wednesday, March 26.)

Bill "An Act Establishing the Civil Rights of Hemophiliacs" (H. P. 161) (L. D. 202)

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

(On motion of Mrs. Kelley of Machias, tabled pending passage to be engrossed and specially assigned for Wednesday, March 26.)

**Finally Passed
Constitutional Amendment**

Resolution, Proposing an Amendment to the Constitution to Provide for a Four-year Term of Office for Sheriffs (H. P. 42) (L. D. 54)

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

Mr. **KELLEHER**: Mr. Speaker, Ladies and Gentlemen of the House: This bill has drawn my attention since it has been going through both bodies and it seems the reasonable time for debate would be now because it is necessary to have two thirds to pass this into law. I might note that I noticed to see who the sponsor of this bill was and he is a former government teacher that I had a few sessions ago.

A four-year term for county sheriff has been in this legislature for the last three or four sessions. I have continually opposed it. I am not going to make a motion this morning because it is necessary to take two thirds.

I believe that the general public in this state are better served. I think that the sheriffs departments across the respected counties are better represented by the opportunity of the candidates who run for those offices to run every two years.

We have been very fortunate here in Maine to have some very excellent people serve in the positions of sheriff, and on occasions in the past we have had one or two who didn't measure up to the job that the people intended for them to do. This review program, as you and I have to participate in every two years, gives the people in our respective towns and counties an opportunity to view whether we are doing the job that they send us down here to do. Equally, it reviews the program of the sheriffs in the respected counties, are they doing and performing in the manner in which the people who elect them to do their jobs are they really doing it? I think it can be said that in my county, for example, the sheriff who has been there has been doing a fine job and he has been continually sent back to that position because the people feel that he is doing that job. I believe it is the same way in your other counties. But nevertheless, should we, through the misfortune of voting for a man who is not living up to the job, we can remove him from that office in two years instead of letting him serve in that position for four years. I think the present system that we operate under now is a system that has been well accepted by this legislature and other legislatures in the past on the attempts to make it a four-year term. I respectfully ask that you do not give the necessary two-thirds vote this morning in passing this bill.

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

Mr. **CAREY**: Mr. Speaker, Ladies and Gentlemen of the House: I am not the government teacher that the gentleman referred to. There is still someone even better than that here.

However, the Legal Affairs Committee studied rural crime all of last summer. One of the things that kept coming up at these hearings was the fact that people were getting sick and tired of having a sheriff who one year was doing his job and the next year was out busy politicking. We tried to clarify by electing our County Attorneys to longer terms of office, some problems that we had with the prosecution end of it, and now hopefully we can do something at the law enforcement end of it by getting people in for a four-year term.

I know we at the local level are very concerned with law enforcement and we try to keep our law enforcement people in. We get them trained, we expect to get some expertise in there and we are not running popularity contests every two years, hopefully in a sheriff's office as well. There is every hope that we can get better law enforcement by going to the four-year term. I would certainly hope that you support passage.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First could I ask what the report of the committee was?

Thereupon the committee report was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Speaking on a unanimous committee report of a bill of mine, which I very briefly presented before the committee and I have not, as usual, asked one single person to vote for or against this bill. I mentioned to one person that it was my bill and that is as far as the lobbying went as far as I am concerned.

I have consistently opposed this four-year term for sheriff. I put it in this time because of the fact that the present sheriff is the only office holder who has only a two-year tenure. All other officers Judge of Probate, Registrar of Probate, Registrar of Deeds and so on are four years and of course the County Commissioners are six years.

I will be thoroughly honest with you, the reason for my opposition for it was political. I enjoyed the fact that the sheriff and his crew did the work that they did around election time. I have gotten away from that thinking and, frankly, one of the people who got me away from it was my own sheriff in Androscoggin County. I don't think I know a person who is less politically oriented than he is. He is not even on the county committee, I think he is on the city committee. He admits to me that he dislikes politics. He is a thorough gentleman; he is conducting a proper department. I have yet to go to him to recommend anybody. As a matter of fact, he actually hired, believe it or not, a deputy who is doing a fine job through a recommendation from the Employment Security Office, and I was amazed when I found out and I informed him that times surely have changed.

These are the reasons why I present the bill. I think also that the argument that was presented by the gentleman from Waterville, Mr. Carey, is sound. I certainly hope that this measure has an opportunity to go to the people for them to decide in referendum whether or not they want this measure.

When the vote is taken, I want it taken by the yeas and nays.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise as former candidate for the sheriff's office. I was a candidate during the last election for a total of three days. I was lobbied away from that office by the gentleman from Lewiston. He felt that I should come down here if I had the choice. I am here.

The four-year term for sheriff I am opposed to. The people are the supervisors of the sheriff's department and it is important that they have a choice every two years.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I would just like to shed a different kind of light on this particular issue. As Chairman of the Cumberland County Legislative Delegation, we have been faced with the duty of coming up with a budget, and the first thing that we faced this term is a deficit of approximately \$85,000 in the Cumberland County budget. The primary reasons for this deficit is overdraft by the sheriff's budget and the jail budget of which the sheriff has control. Now there is a mechanism whereby supposedly the county commissioners can check the discretion of the sheriff in terms of appropriating money, but in Cumberland County, evidently that mechanism has failed to work. I think it is imperative that the people and the legislative delegation have some control over the appropriations that people in county government are allowed to make. I would, therefore, oppose giving them a four-year term. I think it would be much easier to circumvent the will of the people in legislature if people had four-year terms. This two-year term makes them a little more responsive. And the two major overdrafts in Cumberland County are both in the sheriff and the jail departments and they are serious overdrafts. There were appropriations where no appropriations were allowed. I think that before we vote on something like this, we ought to consider this kind of an issue.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, it was brought out that it would allow the sheriffs to spend more time at their duties when, in fact, in Penobscot County, after our sheriff was re-elected, he was down participating in a political recount here at the State House or here at the Capitol Complex, so I would say this is rather a weak argument for better law and order, because the gentleman probably would have served all the citizens much better if he had stayed at home and tended to his duties.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: In the absence of our House Chairman of the State Government Committee, I think I should at least defend our report. The sheriffs were before us and a few others and we found, I believe, just one sheriff that ran for re-election was defeated. Some of those who ran have been unopposed for several terms; others who were opposed were reelected. And it was the feeling of our committee that it would be far better to have the sheriff out only once in four years campaigning for election rather than every other year.

I know in my particular district, I would feel a lot better going house to house if I didn't have that deputy sheriff's car trailing me around, he would only be doing it every third year instead of every other year. The reason also that all the other county officers, as the Representative from Lewiston, Mr. Jalbert, has said, all your other county officers are elected for four-year terms.

We also took into consideration a study of the committee that was investigating rural crime and it was felt that if there was

more tenure in that office, the sheriff and the deputies would have time to learn who were the bad boys that had to be watched and we would have much better law enforcement.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I go along with the good gentleman from Bangor, Mr. Kelleher, in asking that you do not give this bill enough votes to receive passage. I am opposed to the four-year term of sheriff.

We have heard two or three speakers tell about the campaigning. Well, I feel that if a sheriff does a good job, it is not necessary that he really get out and campaign because he will make the headlines enough so the people know that he is doing a good job. If he does have to get out and campaign the way some of the gentlemen say they do in their communities, then I would suggest to the people there to look for a different sheriff and not re-elect him.

The other thing that I am opposed to is that when you give a man a four-year term, he can go in for the first after he gets elected, he can set back and take it easy for two years, then on that last year get out and campaign and make the headlines and brainwash or whitewash the people and give them a lot of headlines so they will forget the fact that he sat three years on his fanny and did nothing. I think reviewing every two years is a lot better system than letting a man go in for four years.

I would hope today that we do not give this the two-thirds vote that is necessary so that it will not receive passage.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the State Government Committee, I also rise to defend the committee's report. As the gentleman from Hampden, Mr. Farnham, mentioned, we felt that since all the county office holders now have four-year terms, except the sheriff, and since the push seems to be to professionalize our law enforcement agencies throughout the state, especially the sheriff's departments to standardize them, it would be a lot easier if we had sheriff's elected four years.

One thing I would like very much for the members of the House to keep in mind when the vote comes, that is, let's see what the people of the State of Maine feel about this. This being a constitutional amendment, it will go to the people. They will have the choice to vote yes or no. I think they should have this choice.

Up in my area, in Aroostook County, they don't like to see their sheriff out every other year running around. Our sheriff is unopposed, normally; he is a very good sheriff. He doesn't run on a party basis in any shape or form. He draws a big vote from both sides and I hope that you will vote to give the two thirds.

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 final passage of this Constitutional Amendment. This being a Resolution Proposing an Amendment to the Constitution, it requires under the terms of the Constitution for final passage an affirmative vote of two-thirds of the members present and voting. If you are in favor of final passage of the Resolution you will vote yes; if you are opposed; you will voteno.

ROLL CALL

YEA — Ault, Bagley, Bennett, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Conners, Connolly, Curran, P.; Curran, R.; Curtis, Doak, Dow, Drigotas, Farley, Farnham, Fenlason, Fraser, Goodwin, K.; Greenlaw, Henderson, Hennessey, Hunter, Hutchings, Immonen, Ingegneri, Jalbert, Jensen, Kelley, Laffin, LaPointe, Laverty, Lewin, Lovell, Lunt, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Miskavage, Morin, Morton, Mulhern, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, P.; Post, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozman, Truman, Twitchell, Usher, Wagner, Walker.

NAY — Albert, Bachrach, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Call, Carter, Cox, Dam, Davies, Dudley, Durgin, Faucher, Finemore, Flanagan, Goodwin, H.; Gould, Gray, Higgins, Hughes, Jackson, Joyce, Kany, Kauffman, Kelleher, Kennedy, LeBlanc, Leonard, Lewis, Littlefield, Lynch, MacEachern, Mills, Mitchell, Nadeau, Norris, Peterson, T.; Pierce, Powell, Shute, Snow, Susi, Winship, The Speaker.

ABSENT — Cooney, Cote, DeVane, Dyer, Garsoe, Gauthier, Hall, Hewes, Hinds, Hobbins, Jacques, Lizotte, McMahon, Perkins, T.; Silverman, Smith, Strout, Tyndale, Webber, Wilfong.

Yes, 85; No, 46; Absent, 20.

The **SPEAKER**: Eighty-five having voted in the affirmative and forty-six in the negative, with twenty being absent, this Resolution fails for final passage.

Sent to the Senate.

Passed to Be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 128 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Plantation of Matinicus to Establish an Electric Power Generating Authority (H. P. 414) (L. D. 501)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 129 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Concerning Graves of Revolutionary War Veterans (H. P. 64) (L. D. 76)

An Act to Clarify the Short Form Deeds Act (H. P. 172) (L. D. 203)

An Act Providing Funds for a Fishway at Sherman Lake Outlet in Newcastle (H. P. 221) (L. D. 277)

An Act Relating to Guardianship of Incapacitated Adults in Need of Protective Services (H. P. 256) (L. D. 304)

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

An Act Making Supplemental Appropriations for Child Welfare Services (H. P. 442) (L. D. 540)

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.

Enactor

Tabled and Assigned

An Act for the Humane Treatment of Animals in Schools, Public and Private (H. P. 457) (L. D. 561)

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

(On motion of Mr. Davies of Orono, tabled pending passage to be enacted and specially assigned for Wednesday, March 26.)

An Act to Repeal Provisions for Assistant Chief of the Division of Inspection for Sardines (H. P. 486) (L. D. 605)

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

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

Finally Passed

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (H. P. 436) (L. D. 538)

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just ask anybody in the House if this is another one of those money bills? We had one this morning everyone was concerned about and wanted to kill here, and I am just wondering where the money is going to come from to pay for this, if anyone cares to answer. It is another one of these resolves and it is to send money back to the local communities, which I am certainly not against, but where is the money going to come from?

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

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Brewer, Mr. Norris, this is written in the bill, it is written in the law that this must be returned if their total loss is so much. So therefore it is a must. I don't know where it is coming from, it is coming out of the general fund but I am like Mr. Norris, I have wondered many

times where these come from, but this one is written in the bill.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Bill "An Act Relating to the Liability of Physicians and Surgeons Rendering Emergency Care" (H. P. 336) (L. D. 419) which was recommitted to the Committee on Judiciary in the House on March 18. Comes from the Senate with the Majority "Ought Not to Pass" Report accepted in non-concurrence.

Tabled — March 20, by Mr. Rolde of York.

Pending — Further consideration.

On motion of Mr. Rolde of York retabled pending further consideration and specially assigned for Wednesday, March 26.

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

Bill "An Act Concerning the Mounting of Red Lights on Vehicles Operated by Volunteer Firemen" (H. P. 990) (Committee on Reference of Bills suggested Committee on Transportation)

Tabled — March 20, by Mr. Binnette of Old Town.

Pending — Motion of Mr. Laffin of Westbrook to Refer to Legal Affairs.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: This bill was originally sent by the Committee on Reference to the Legal Affairs Committee.

I thought and I still believe that it is a measure that should go before the Transportation Committee, due to the fact that we had a lot of bills pertaining to vehicles regarding their lights and I think it should go there. I was sort of amazed this morning when the Committee on Reference of Bills turns around and puts on the Committee on Taxation. I don't know where they stand. First with the Legal Affairs and next with the Taxation Committee. Therefore, I believe I will make a motion that this go to the Committee on Transportation.

The **SPEAKER**: The Chair would advise the members of the House that the Reference of Bills had, in fact, recommended that this bill be referred to the Committee on Transportation and this would be an error in your calendar. The gentleman from Westbrook, Mr. Laffin, has moved that it be referred to the Committee on Legal Affairs, and that would be the pending motion. In order for it to go back to Transportation, the motion to refer to Legal Affairs would have to be defeated.

The pending question before the House is the motion of the gentleman from Westbrook, Mr. Laffin, that this bill be referred to the Committee on Legal Affairs. The Chair will order a division. If you are in favor of the Committee on Legal Affairs you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

20 having voted in the affirmative and 98 in the negative, the motion did not prevail.

Thereupon, the Bill was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

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

Bill "An Act Concerning the Municipal Valuation Appeals Board and Procedures for Municipal Appeals" (H. P. 1015) (Committee on Reference of Bills suggested Committee on Taxation)

Tabled — March 20, by Mr. Finemore of Bridgewater.

Pending — Motion of Mr. Dam of Skowhegan to Refer to Committee on State Government.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I believe this is a bill that was in State Government in the last session and actually was drafted and approved by them. If there are corrections to be made in it, I just feel that that is where it belongs.

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

Mr. GOODWIN: Mr. Speaker, I didn't want to speak on this because there is another one with a very similar title that deals with a very similar question that has been sponsored by Representative Rolde and Representative Greenlaw, and I think that was also sent to Taxation, but I think someone should check on this because this bill here deals with a very similar question. I do feel that the Taxation Committee would be the committee to hear this.

On motion of Mr. Farnham of Hampden, retabled pending the motion of Mr. Dam of Skowhegan to refer to the Committee on State Government and specially assigned for Wednesday, March 26.

The Chair laid before the House the fourth 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. 373) (L. D. 327) (C "A" H-58) (H. "A" H-76)

Tabled — March 20, by Mr. Perkins of Blue Hill.

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

On motion of Mr. Palmer of Nobleboro, retabled pending the motion of Mr. Ault of Wayne to indefinitely postpone Bill and accompanying papers and tomorrow assigned.

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

Bill "An Act to Eliminate Certain Sales Taxes to Patients in Hospitals" (H. P. 378) (L. D. 471)

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

Pending — Motion of Mr. LaPointe of Portland to Indefinitely Postpone Bill and Accompanying Papers.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have had some conversations with the gentleman from Portland, Mr. LaPointe, in connection with this bill, and I think it is a matter of misunderstanding around the House and I would like to try to clear it up.

This bill came about due to changes in the conducting of patient care in the hospitals for reasons of reducing the chance of infections. In the old days they used to use porcelain type bowls and things, they have now started issuing plastic kits. This was done three or four years ago. It consists of a wash basin, chin

basin, rubbing lotion, etc., and these items are required for patient care. They did this for quite a while and didn't charge for it, figured it into the room rent, but what happened was that when people who have multiple admissions within a reasonably short period of time, and my mother happened to be one back in 1970 who was admitted three times, she got three of these kits. They really weren't necessary. And so the hospitals decided that they could attempt to remove this nuisance and would pull this out of their room rates and would charge separately for it. That was fine because that would immediately mean that you would only have to bother to get one of these kits as you went through a hospital series of admissions. However, immediately after that happened, the State Sales Department, and rightly so, said, well, now the hospital is selling tangible goods and it will have to be subject to sales tax, so that is what they did and that is how you get a fiscal note on this bill, because in the last two or three years — I am not just sure how long the practice has taken place — the state has been charging a sales tax on the use of these kits.

Testimony at the hearing indicated that if this bill were not passed in order to save patients some more money, the hospitals would revert to including this in the room charges so it would not be subject to a tax. Therefore, regardless of what you do with this bill, the tax is going to be lost, because the state collected it only since the hospitals recharged their policy and if the exemption is not allowed, then they will go back to the original policy and will not be taxed. Either way, the revenue will be lost to the state and a kit will be issued for each admission, figured to the state and a kit will be issued for each admission, figured into the rate. So the only beneficiary will be the people who manufacture and sell these materials and again the patients will have to pay instead of being readmitted with their own kits.

I would urge you not to support the motion of Mr. LaPointe and that you defeat his motion and pass this bill.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: The only reason that I made the motion was that the able explanation that was just provided, it was never provided to the members of the House. I am very very concerned, as I think all of us are, about these so-called tax expenditures. We all look at them as exemptions, but the simple fact of the matter is, they do erode from the base of the general fund revenues which are going to be so dearly needed the next two years. I think they are going to be dearly needed within the next two or three months.

I thank the gentleman for his explanation and I now withdraw my motion.

The SPEAKER: The gentleman from Portland, Mr. LaPointe, withdraws his motion for indefinite postponement.

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

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

Joint Order, Relative to Adding 7E to Joint Rules. (H. P. 1043)

Tabled — March 21, by Mr. Perkins of South Portland.

Pending — Passage, pursuant to Joint Rule 54

On motion of Mr. Rolde of York, retabled pending passage and tomorrow assigned.

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

Bill "An Act Concerning the Employee Uniform Requirements at the Maine State Prison and Men's Correctional Center." (H. P. 1030) (Committee on Reference of Bills suggested Committee on Appropriations and Financial Affairs)

Tabled — March 21, by Mrs. Najarian of Portland.

Pending — Reference.

On motion of Mrs. Najarian, retabled pending reference and tomorrow assigned.

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

Resolve, Authorizing Charles E. and Nancy Twitchell, or Their Legal Representative, to Bring Civil Action Against the State of Maine. (H. P. 1036) (Committee on Reference of Bills suggested Committee on Judiciary).

Tabled — March 21, by Mr. Morton of Farmington.

Pending — Motion of Mr. Carey of Waterville to Refer to Committee on Legal Affairs.

On motion of Mr. Faucher of Solon, retabled pending the motion of Mr. Carey of Waterville to refer to the Committee on Legal Affairs and tomorrow assigned.

On motion of Mr. Carpenter of Houlton, the House reconsidered its action whereby Bill "An Act Relating to Contracts of Teachers with Municipalities," House Paper 1033, was referred to the Committee on Labor.

On further motion of this same gentleman, was referred to the Committee on Education, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Providing Funds to Improve the Dental Health of Adults in Maine" (H. P. 336) (L. D. 1124) which was tabled earlier in the day and later today assigned pending reference in concurrence.

On motion of Mr. Goodwin of South Berwick, referred to the Committee on Appropriations and Financial Affairs in concurrence.

On motion of Mr. Rolde of York, Adjourned until nine-thirty tomorrow morning.