

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

Wednesday, March 26, 1975

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

Prayer by the Rev. Robert Graves of Bangor.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act Concerning the Purchase of School Buses" (Emergency) (S. P. 408) (L. D. 1205)

Came from the Senate passed to be engrossed under suspension of the rules without reference to any committee.

In the House:

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: You will notice L. D. 1205, it is on your desks this morning; a bill concerning the purchase of school buses. It was introduced into the Senate yesterday and passed to be engrossed under suspension of the rules without reference to a committee. It was sent to the House. It was held for one day here so that the Education Committee would at least have the opportunity to look at it. It is an unusual procedure, but not without precedence.

The bill was introduced because of 1994 and the lack of controls over the purchase, contracting and leasing of school buses. This act has been introduced at the urging of the Governor, the leadership of both bodies and the Department of Education and the Education Committee. It gives to the Commissioner of Education and Cultural Services the responsibility of approving or disapproving all school bus purchases, contracts and leases. This will be a temporary measure until 1994 is resolved in some manner.

It also allows the school directors to procure short-term loans not to exceed three years for the purchase of school buses when such authorization has been approved at the annual budget meeting.

Under suspension of the rules, the Bill was read twice without reference to any committee.

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

Mr. HENDERSON: Mr. Speaker, could I just inquire if this has any effect on school buses already purchased under this act and obligations outstanding?

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

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

Mr. LYNCH: Mr. Speaker, it has no effect on buses purchased, contracted or leased prior to the effective date of this act.

Thereupon, under suspension of the rules, the Bill was passed to be engrossed in concurrence and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

Reports of Committees
Ought Not to Pass

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Panel of Mediators" (S. P. 144) (L. D. 508)

Pursuant to Joint Rule 17-A, was placed in the legislative files in concurrence without further action.

Leave to Withdraw

Report of the Committee on Energy reporting Leave to Withdraw on Bill "An Act to Protect Tidal Resources as a Source of Power Generation" (Emergency) (S. P. 174) (L. D. 554)

Report of the Committee on Taxation reporting same on Bill "An Act to Exempt Electricity Used for Home Heating Purposes from the Sales Tax" (S. P. 151) (L. D. 514)

Came from the Senate read and accepted.

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act to Remove Certain Provisions in the Motor Vehicle Statutes Concerning Unnecessary Tire and Brake Noises" (S. P. 100) (L. D. 378)

Report was signed by the following members:

Messrs. CLIFFORD of Androscoggin
MERRILL of Cumberland
— of the Senate.

Messrs. HUGHES of Auburn
SPENCER of Standish
McMAHON of Kennebunk
HOBBINS of Saco
HEWES of Cape Elizabeth
HENDERSON of Bangor
— of the House.

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

Report was signed by the following members:

Mr. COLLINS of Knox
— of the Senate.

Mrs. MISKAVAGE of Augusta
Messrs. GAUTHIER of Sanford
PERKINS of South Portland
BENNETT of Caribou
— of the House.

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

In the House: Reports were read.

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

Mr. GAUTHIER: Mr. Speaker, I move we accept the Minority "Ought not to pass" Report of the Committee.

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

The Chair recognizes the gentlewoman from Augusta, Mrs. Miskavage.

Mrs. MISKAVAGE: Mr. Speaker, Ladies and Gentlemen of the House: I go along with the motion of the gentleman from Sanford, Mr. Gauthier, to accept the minority "ought not to pass" report.

My local police force is against this piece of legislation, and the Maine Police Chiefs Association has gone on record as opposing it. I thought you people would like to be made aware of this fact. I thought you might want to check with your local law enforcement officials to find out how they feel about it before it comes up for second reading.

This bill, L. D. 378, if enacted, would

remove the statute against squealing tires. Your reaction to it, I suppose, depends on where you live and whether or not this has been a problem in your community. There are at least three places in the City of Augusta where periodically throughout the summer the young bucks in the area feel compelled to lay 150 to 200 feet of rubber, usually in the middle of the night. Tires squeal, people wake up, grab for the phones, the police move into action, and when the sirens sound, you might as well forget about it for the rest of the night.

It was suggested in committee that this was simply a vehicle for police harassment and that the statute which relates to disturbing the peace could be used as effectively. The police in my area say a charge of disturbing the peace is difficult to prove, and frequently the case is thrown out of court. They prefer something more specific, like squealing tires.

I am sure we all agree that a license to drive carries with it a certain responsibility. A summons to appear in district court may be all that is needed to make some of these young people aware of this fact. I feel at the present point in time law enforcement officials need all the tools they can get to help them enforce the law, and I am opposed to removing this one.

Mr. Hobbins of Saco requested a roll call vote.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I regret to even think of speaking on this bill. Last year I was right down here in the City of Augusta and a car stopped very sharply in front of me. After the car got out of the way and I pulled down the street a little further, one of the city police picked me up down the street for squealing tires. It was a necessity — I don't blame them for that.

This bill right here would be a good thing for the young people. The young people today are no different than when we were young. I imagine the young lady who just spoke, probably when she was younger she did things she shouldn't have just the same as all of us fellows. I know that I didn't have the tires that squeal at that time; I didn't have rubber to wear out. I think today they are pushing the young people too far. I think if the bill wasn't there, they wouldn't be squealing their tires. And if they don't, you go out in the rural areas, you will find marks in the road where they squeal them out there.

I have a Baptist Church right across the street from me in Bridgewater and unluckily a few years ago they paved the driveway in the front, so now the young people enjoy going in there and coming out and you know in a way I kind of hate to have them stop this because I kind of sleep on that noise. It is a good thing to keep you asleep.

At the same time, I think this bill ought to pass. I would hate very much to see you kill this bill, I notice in the other body they accepted the "ought to pass" report and I think we should here, because we are pushing the young people too far. Lots of times we are making them do the things they do. Let's give them a few privileges. And then again, grownups do this. It isn't only them, people my age once in awhile, you know, step on it and jump a little, want to see what it will do.

I think you ought to go along with the "ought to pass" report.

The SPEAKER: The Chair recognizes

the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: As Mrs. Miskavage mentioned to you when she spoke on this a few minutes ago, most of the heads of the police in this State came over and were very much against this bill. If you want more screeching and rubbing of tires and making noises, and so forth in your streets or around your homes, I agree with you, vote for the bill, but I am voting against it.

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

Mr. GOODWIN: Mr. Speaker, I would like to pose a question through the Chair, perhaps somebody on the Judiciary Committee could answer it. If a person squeals a tire and bothers somebody, wouldn't it be covered under nuisance laws, or something, as the laws are presently written?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, poses a question through the Chair to any member of the Judiciary Committee who may answer if they so desire.

The Chair recognizes the gentlewoman from Augusta, Mrs. Miskavage.

Mrs. MISKAVAGE: Mr. Speaker, my local police chief says that our judge here would throw it out of court. It is difficult to prove. You have to have too many witnesses to see the action.

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

Mr. GOODWIN: Mr. Speaker, how is this law easier to prove?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, has posed an additional question through the Chair to any member of the committee who may care to answer.

The Chair recognizes the gentlewoman from Augusta, Mrs. Miskavage.

Mrs. MISKAVAGE: Mr. Speaker, police are soon there and they can watch and take plate numbers and so forth.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support the minority report and I will tell you why. We all see these marks in the road, they come down and it looks like a question mark which some of our young people delight in going out and do. Now, in order to make those marks, the car has to be in reverse drive and I just ask you, and incidentally, they have to do about 60 miles an hour to make those marks, I checked that out and let a young fellow in my car to try it out so I could see, so if you are coming in the opposite direction around a curve and there is a car in reverse going about 60 miles an hour, what chance have you got? I think this law should stand the way it is.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether the gentleman, Mr. Kauffman, has ever tried this or not but you can do it in either gear. You don't have much trouble. In fact, you can leave down here right in this driveway, if you have a car that is snapping out too fast, when it first starts to warm up, like most Oldsmobiles do, you can spin them right there. I am very familiar with it. I have seen a lot of it

done. Usually, when they get out in the country, they get on a straight road and I don't blame the young people. I think they deserve a right to have a little fun. I know we had it.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I was pleased when I learned there was a law against the squealing of tires, particularly as I live at a very busy intersection in the city of Lewiston. There have been a lot of accidents at my intersection and I still hear a lot of tires squealing. I don't know of anything any more ridiculous than to have a car going at great speed and then jam on the brakes. It is bad on the tires and the squealing of the tires is rough on the whole neighborhood.

Where I live, it is also one of the principal thoroughfares in the city and what's more, it is a one-way street and I wouldn't be a bit surprised that if the truth were known, some world speed records have been established right on my street.

Without saying any more, I say that this bill should not be passed. We have got restriction on tire squealing and we should keep it.

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

Mr. HUGHES: Mr. Speaker, I would just simply add one thing, that I have always had a fond spot in my heart for the law against squealing tires. It was the first trial I had in district court and I won it. It was about the only one I won during that experience. We do have a law against disturbing the peace, and I think that that is sufficient to deal with this problem. I would, therefore, urge that the motion before us be defeated so that we could accept the majority "ought to pass" report.

(Off Record Remarks)

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 in favor of a roll call 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 Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry for this delay in entering and then jumping up on my feet, but this bill was stimulated through an experience I had this past fall in my last semester at the University of Maine School of Law. I was an intern student for the Cumberland County Attorney and I was prosecuting minor criminal violations, breaking and entering, larceny, and all the traffic violations. I had two summons for one young man, one was the squealing of tires violation and another one was going through a stop sign. I went into court and I went before the district court judge and I presented my case on the going through the stop sign and then we came to the part where I was going to present my case on the squealing of tires. The judge said to me, "What are you doing here with this, who was the sound obnoxious to?" I said, "Well, the police officers who arrested this gentleman said that the gentleman squealed his tires in violation of this statute." He said, "Mr. Peterson, don't

ever bother me with this kind of a case again." So, if the judiciary feels this way, what standard is this? How do you determine when the sound becomes obnoxious, especially when the judiciary hasn't established any standards and isn't even willing to prosecute this kind of thing and feels that you are wasting the court's time if you come in with this kind of a situation. So I would urge that the minority "ought not to pass" be disallowed and that you would go along with the "ought to pass" report.

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

Mr. CAREY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Windham. I would like to know the name of the judge that so made such a decision?

The SPEAKER: The Chair would advise the gentleman that the question would not be entertained by the Chair.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Peterson, I would like to say that all the police chiefs who were there were very much in favor of not passing this bill. They wanted that bill to give them something in order to try to stop this. I would like to say that if we have nothing, what is going to happen? This is the reason why. He just brought you a case today in favor of mandatory sentencing. If this is what is going to happen in court, let's put this under mandatory sentences, all these bills. Then we will get what we deserve and the police officers will have something to defend the law with.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am inclined, as a member of the House, to go along with the minority report. I have yet to hear anybody on the other side of that report defend it. Apparently the bill isn't worth defending.

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

Mr. HENDERSON: Mr. Speaker, I would like to pose a question through the Chair to anyone who cares to answer it. Possibly the Senate Chairman of the Judiciary Committee could tell us how many chiefs of police were actually at the hearing? I don't recall all that many but maybe he can tell us how many were there.

The SPEAKER: The Chair would assume that he is referring to the House Chairman.

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

Mr. GAUTHIER: Mr. Speaker, I believe there were four or five there and they were representing the State Association of Police Chiefs.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I know that the future of the State doesn't depend on whether this legislation is passed, but I would just like to give you another angle on the question. It happens in Cumberland County that there is a law school located and that the law school supplies three or four interns to the county attorney. The district attorney, the county prosecutors as we call them today, are overworked, their offices are undermanned. We keep

getting requests from our district attorney for more lawyers and that he is losing people under federal money. Yet, you want to use his time to go to court to prosecute a squealing tires violation. It's a waste of the county's money, of the attorney's time and of the people who have legitimately violated the criminal law.

There is no cost benefit ratio. It doesn't make any sense, especially if the judiciary is not willing to convict. You don't impose mandatory sentences on somebody who happens to squeal their tires. Now, maybe I don't approve of that practice, especially with the price of petroleum products and rubber. You would be kind of a fool to be squealing your tires, but we all don't live across from MacDonald's hamburger stands or Howdy's, where you have a lot of young people going in and out and who may do this, you can get them under the nuisance law. You don't have to have something like this that wastes the prosecutor's time and causes a backlog, and I am sure that if the person asks for a jury trial on this kind of an issue, it would also be a waste of time and money.

So, please, think it over carefully.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion before the House. We talk about rural crime; yet, we tie down our policemen with trivia, and this is a bill that would call for repeal of trivia things that we have on our books, so I hope that we defeat the motion before the House and that we accept the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry about the direction that this discussion is going. We are losing sight of the whole picture. Actually, squealing of tires means speed really, and this is what we are trying to stop. A police officer cannot arrest a person for speeding unless he can clock him and say just the exact speed that that officer is traveling but the squealing tire is usually a giveaway on the matter of speed. As far as this being trivia and taking up the time of the court, we have to look at this as a safety factor also in driving. I certainly feel that we should go along with the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I dislike very much standing in opposition to my good friend Mr. Peterson, but he has brought out a couple of points which I think I would like to make observations about. The fact that the attorney's are overloaded in Cumberland County does not necessarily mean that they are in Franklin County. We have just gone into a district attorney system in Franklin County and at this point, he is only obliged to come one day a week. The design of the system was that he was going to be there two days a week. He has already cut his time down in Franklin County and it is costing us \$16,000 now instead of about \$2,000 or \$3,000, or an increase in services which we are not really utilizing.

The other thing that he brought to my mind was the fact that we do have trouble with the judicial system of this state, and I think it is time that they had a reform. Our judges are getting much too lenient and putting too much burden on the police officers and also discouraging them from

enforcing any laws. I suggest to you, this minority report ought to pass.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the gentleman from Sanford, Mr. Gauthier, that the House accept the Minority "Ought not to pass" report in non-concurrence. If you are in favor of the Minority Report, you will vote yes; if you are opposed, you will vote no.

YEA — Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Burns, Bustin, Call, Carey, Carroll, Carter, Chonko, Churchill, Clark, Connors, Cooney, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, K.; Gould, Gray, Hall, Higgins, Hinds, Hunter, Immonen, Ingegneri, Jackson, Jalbert, Joyce, Kauffman, Kelleher, Kelley, Laffin, Laverty, Leonard, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Martin, A.; Martin, R.; Maxwell, Miskavage, Morin, Morton, Nadeau, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Rollins, Saunders, Shute, Snowe, Strout, Stubbs, Susi, Theriault, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, The Speaker.

NAY — Albert, Bachrach, Berube, Birt, Blodgett, Bowie, Byers, Carpenter, Connolly, Cote, Davies, Dow, Farnham, Finemore, Goodwin, H.; Greenlaw, Henderston, Hennessey, Hewes, Hobbins, Hughes, Hutchings, Jacques, Jensen, Kany, Kennedy, LaPointe, LeBlanc, Lewis, Mahany, McBairty, McKernan, Mills, Mitchell, Mulhern, Najarian, Norris, Pelosi, Peterson, T.; Post, Powell, Rolde, Smith, Spencer, Sprowl, Talbot, Tarr, Teague, Tierney, Torrey, Wagner, Wilfong, Winship.

ABSENT — Cox, Mackel, McMahon, Peakes, Rideout, Silverman, Snow, Webber.

Yes, 90; No, 53; Absent, 8.

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

Sent to the Senate in non-concurrence.

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

**Passed to Be Enacted
Emergency Measure**

An Act Concerning the Purchase of School Buses (S. P. 408) (L. D. 1205)

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

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

Mr. BIRT: Mr. Speaker, I move this lie on the table one legislative day.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that this Bill be tabled pending passage to be enacted and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 89 having voted in the negative, the motion did not prevail.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: The reason I requested this tabling motion, I would like to at least have a chance, and others might

want to, to just take a look at this bill. This bill came on our desks this morning without any hearing, and I have no particular objection to that under certain conditions, but I fail to thoroughly understand why there is a necessity of having to put this bill through so quickly, at least having one day to take a look at it when it has some implications, this bothers me somewhat.

If there are some compelling reasons for having to get this bill through today and get it enacted, then I would be interested in hearing them.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from East Millinocket, I would only say this, that the leadership of both parties met with Governor Longley and Commissioner Millett of the Department of Education to discuss this very serious problem that we have on funding of L. D. 1994 at the moment. In the interest of clarifying a few things before final determinations are made as to what is going to happen to 1994, it was felt that this was a necessary first step in that operation. I don't believe it is going to affect anyone too much. We felt that this should be made in the effort, really, to promote fiscal responsibility until the Education Committee has had an opportunity to give us definitive answers to the problems we have on L. D. 1994.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the legislation is very compelling. It is long overdue. There should have been controls put in on 1994 that would have prevented the onslot and the rush to provide busing and buses in every community under the mistaken impression that the state was going the entire transportation problem.

Now, 1994 is under consideration for revision, and this is an effort to make sure that local school governing bodies don't rush in overnight to purchase buses indiscriminately.

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

Mr. CAREY: Mr. Speaker and Members of the House: One of the reasons that these things come up as they do, and the reason this has an emergency on it — and I am not on this committee, but I have gone through the State Board of Education before — is to prevent anyone in the meantime, while going through the parliamentary procedure here, from going out and actually ordering these things and really having a dead end immediately rather than giving some people three or four days, those who have got their budgets passed from going out and actually ordering buses and then the state would be committed to that level. They did this with the 1200 code in education, which was the capital outlay code, and obviously this is another move. I don't see either where later in today's session, if Mr. Birt has got serious questions to ask on it, would be any hindrance to us.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Just a few more words on this particular act. When the Education Subsidy Commission met, we discussed the problem of the purchase of

school buses, and one of our recommendations was to take the purchase of school buses out of L. D. 1994, and that was incorporated in L. D. 526.

However, one thing that was never told to us by the Commissioner, and this is something that we just learned the other day at the meeting with the Governor, was the fact that the Board of Education has absolutely no authority over local school districts in their purchase of school buses.

Presumably, to answer the gentleman from East Millinocket, right now, because we are having this debate, school superintendents could this afternoon go out and order some school buses. Now, I am not saying that they are going to do that, but theoretically they could and there would be no control that the Commissioner of Education actually had over those purchases. So until something is done with L. D. 526, which is now before the Education Committee, we felt an emergency act like this would cover us.

I, myself, had a little reservation about moving it through this quickly, but I understand that this could be a problem and schools could be out today purchasing new school buses.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I think that Mr. Rolde did a very fine job of explaining this, but I am very familiar with 526 and very familiar with the 1994 bill, and I will just say one thing. I think this school bus is number two factor. There is one other one that is number one. I think building construction and bonding was the first one. This is number two of the downfall of 1994, because there were some towns that bought as many as 22 buses, we were told, and there were towns that put two-way radios in their buses that cost thirty-eight to forty thousand dollars. Buses have to be controlled, and like Mr. Rolde has said, I think if we put it over until Monday, the buses could be ordered. So I hope you will go along with this.

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

Mr. BIRT: Mr. Speaker, would a motion to table until later in today's session be out of order?

The SPEAKER: The motion would not be out of order.

Mr. BIRT: Mr. Speaker, I move this be tabled until later in today's session.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that this matter be tabled until later in today's session pending passage to be enacted. The Chair will order a vote. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on passage to be enacted of An Act Concerning the Purchase of School Buses, Senate Paper 408, L. D. 1205. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Bill was passed to be

enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Mr. Dam of Skowhegan presented the following Joint Order and moved its passage: (H. P. 1227)

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government be directed to bring out a Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-five and Nineteen Hundred and Seventy-six.

The Order was received out of order by unanimous consent and read.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: What this order is, it is an order that was drafted this morning by the Legislative Research Office and it will allow us to get a bill reported out so it can be here for tomorrow and hopefully go under suspension of the rules to extend the deadline for the legislature to act on the county taxes, which right now is necessary that they be done by April 1. Since there have been so many counties having troubles with their budgets and right now they are coming close to being resolved, what this bill would do is ask for an extension. This is all it does, is direct the committee to report the bill out.

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

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter Tabled and Assigned Non-Concurrent Matter

Bill "An Act Relating to Irreconcilable Marital Differences as a Ground for Divorce and Mental Illness as an Impediment to Divorce" (H. P. 911) (L. D. 1032) which was passed to be engrossed as amended by House Amendment "A" (H-94) in the House on March 19.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I note the sponsor of this bill is not in his seat and will not be for two days. I would ask that someone table this for two legislative days, please.

Thereupon, Mr. McKernan of Bangor moved the matter be tabled for two legislative days.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that this matter be tabled pending further consideration and specially assigned for Tuesday, April 1. Is this the pleasure of the House?

(Cries of Yes and No.)

The Chair will order a vote. All in favor of this matter being tabled for two legislative days will vote yes; those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and 13 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act to Deem the Municipality of Jay to Be Part of the Northern Androscoggin District of the District Court" (H. P. 60) (L. D. 72) which was

passed to be engrossed in the House on March 21.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move that we insist and ask for a committee of conference this morning.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Anson, Mr. Burns, moves that the House recede and concur.

Thereupon, Mr. Carey of Waterville requested a division.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This vote to recede and concur is one which I support. I apologize to this body for not being prepared adequately the first time this came before the body, and I also want to thank you for teaching me a lesson on the need for roll calls.

This item, if you will notice on your calendar, has been indefinitely postponed in the Senate, and for good and sufficient reasons, which I will attempt to enumerate rather quickly here, but I would like to read this one letter which comes from the Judge of the District Court.

"This is in response to your letter of January 17th." It is directed to Douglas J. Wiggins, Selectman of the Town of Jay. "I have no personal feelings as to whether the Town of Jay should be in the District Court in Farmington or the District Court at Livermore Falls. I do feel that it never had occurred to anyone that the divisions of the District Courts should cross county lines. Holding criminal trials at Livermore Falls would certainly be convenient to the police officers of the Town of Jay. There are several legal complications arising from the fact that no provision has been made for the crossing of county lines. Under the District Court Criminal Rules, all criminal appeals and all transfers of criminal cases would be to the Androscoggin Superior Court in Auburn. All defendants would then have to appear in Auburn. However, in all cases where the defendant requests trial, the case would have to be transferred from Auburn to Franklin County Superior Court for trial. Superior Court Criminal Rule 18 requires that all trials in Superior Court must be in the County where the offense was committed. Rule 5 of the Superior Court rules requires that felony hearings in Livermore Falls Court involving offenses committed in Jay would be bound over to the Superior Court in Farmington.

"In civil matters all appeals and removals in the Livermore Falls Court, which would include matters involving parties from the Jay area, would go to Superior Court in Auburn under District Court Rule 73.

"Including Jay in the Livermore Falls Division would be a great disservice to residents of Jay seeking a divorce. M.R.S.A. Title 19, section 691, requires that divorces may be granted in the county where either party resides. If both husband and wife reside in Jay, a divorce granted in the Livermore Falls District Court is void. Jay residents can only obtain

a divorce in the Franklin County Superior Court.

"District Court records do not make it possible to determine, without a great deal of time, the number of criminals or civil cases originating in Jay. This record could only be obtained from the Jay Police Department. My estimate would be that in criminal matters the average per week originating in Jay would be not over 5 or 6, or from 250 to 280 criminal cases a year. I would doubt if civil cases involving Jay would total one tenth that amount. Very truly yours, Edward N. Merrill, Judge, District Court."

This is supported, ladies and gentlemen of the House, by the sheriff's department in Franklin. I won't read the whole letter, but this is the mechanics of the problem and the sheriff has delineated it pretty well.

"It would result in considerably greater expense to my department, because it would often be necessary to have one of my deputies spend a full day in Livermore Falls on Wednesday, instead of only two days as now to cover all county cases including any Jay cases, without the extra travel to Livermore Falls.

"Also whenever a person is arrested and is unable to secure bail it is an added expense to send an officer to the Court at Livermore Falls, and if the case is not finally disposed of on the first Court appearance it may be necessary to take a second trip to bring the subject back to the Court at Livermore Falls. This all results in extra duty for the officer and extra expense for the County."

This particular paragraph here is a little crucial.

"In cases handled by the Jay officers, I have offered the services of my department to handle any non-contested matters, if they will leave the worksheet, with a considerable savings, to the Jay department attendance and travel."

All this means, ladies and gentlemen is that if the Jay police who make the arrest will merely hand the worksheet to the sheriff's department, the sheriff's court office is in the district court in Franklin each time it is in session, two days a week, will handle the case. If the case is dismissed or there is a guilty plea, the case can immediately be taken care of and the Jay police need not even appear. They would only have to appear if the case was called for trial.

The County Attorney for the last four years in Franklin County has this to say:

"When the Jay criminal cases were in Livermore Falls, the Jay officers spent considerable time at that Court and not on duty. Whereas, under the present arrangement in the Farmington District Court, a court officers' system means the Jay officers do not have to come unless they have a hearing scheduled. Also — and this is critical — "whereas the jail" — and it is the only jail in Franklin County, the only lockup — "is in Farmington, there is much less manpower and manhours required, as these prisoners are brought to Court directly" — it is about 150 yards from the courthouse — "and do not have to be transported back and forth from Livermore Falls." That is from the County Attorney for the last four years in Franklin.

A quick note from a letter from Edward Cloutier, who is an attorney in the Town of Livermore Falls. He says:

"I have no strong feelings one way or the other. However, I would like to point out

that this was done some years ago rather unsuccessfully."

"The primary problem is that it is confusing, since the civil cases remain in District Court No. 12, whereas the problem when a person was arrested and necessarily incarcerated in the Franklin County jail." Then he goes on to explain the same problem that the sheriff did.

This letter is from an officer who was one time a Jay police officer and is presently a sheriff's department deputy in Jay, who tells that he organized and ran the Jay Police Department from 1955 to 1966, and during that time he used the courts in Franklin County, sometimes going as far as Phillips, which we then had a Justice in to process. He thinks that is better than splitting up the court system. He goes on to tell about jailing a man in one court, putting him in jail in Franklin, having to move him to Auburn, and the problems that go with it.

Calvin Sewall, an attorney in Wilton, makes this comment: "This same change was made a few years ago, and the result was so much confusion about the correct county to which an appeal should be taken that the next session of the legislature repealed the change and put Jay back in Franklin County."

From another attorney — "This system did not work out satisfactorily before, and the expense to the County was greater."

Ladies and gentlemen of the House, these are the concrete reasons why this is not good legislation. If you are not confused now, you can imagine how confused the people of Franklin County and the attorneys and the law enforcement officers were when this took place before. It was in force for a very short time. It proved to be unacceptable, and it was turned back to the present law and I hope that you will recede and concur with the Senate.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This morning I received a letter from the Department of the Attorney General in Augusta. It starts out by saying, "Thank you for the opportunity to review L. D. 72. The changes proposed by the bill are permissible under the Constitution. However, I suggest amending section 2 to read: For the purposes of this section only, Franklin consists of the entire county of Franklin, except the municipality of Jay. If I can be of further assistance, please feel free to contact me."

I merely would like to have the opportunity to sit down in a committee of conference and perhaps pass this piece of legislation.

The SPEAKER: The pending question is on the motion of the gentleman from Anson, Mr. Burns, that the House recede and concur with the Senate. If you are in favor of that motion you will vote yes; if you are opposed, you will vote no.

A vote of the House was taken. 55 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

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) which was Referred to the 108th Legislature in the House on March 24.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Cooney of Sabattus, the House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Placing Nonprofit Hospital or Medical Service Organizations under the Maine Insurance Code" (H. P. 902) (L. D. 1159) which was referred to the Committee on Business Legislation in the House on March 18.

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

In the House:

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. With reference to this item, while there is a money factor in this, it is more for regulation, and I hoped this could be corrected.

I moved that the House insist.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I was looking for the young lady to make a motion, but this bill definitely is a tax bill because it has got a revenue on it. You may pick up the bill and look at your book. Passage of this act would generate \$250,000 annually. It also says, "shall pay a tax." This is the new reading. "Those insurers under 24-A." I am not disputing the other part of it. The other part of it I think probably should — the bill, some parts of it, probably should be in Business Legislation. But it definitely is a tax bill because it has got a revenue.

On motion of Mr. DeVane of Ellsworth, tabled pending the motion of Mr. Peterson of Caribou to insist and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Revise Certain Statutory Provisions for the Licensing of Boarding Homes and Day Care Facilities" (H. P. 864) (L. D. 1073) which was referred to the Committee on Human Resources in the House on March 14.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

In the House: On motion of Mr. Goodwin of South Berwick, the House voted to recede and concur.

Petitions, Bills and Resolves Requiring Reference

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

Agriculture

Bill "An Act Concerning the Retention Period for Sick, Stray, Injured or Abandoned Dogs Brought to a Licensed Veterinarian, Humane Society or Animal Shelter" (H. P. 1216) (Presented by Mr. Mahany of Easton) (Ordered Printed) Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Providing Funds to Community Mental Health Centers to Offset Reduced Federal Grants" (H. P. 1211) (Presented by Mr. Goodwin of South Berwick) (Approved for introduction by a

Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)
(Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act Prohibiting Repricing of Items in Grocery Stores" (H. P. 1214) (Presented by Mr. Peterson of Windham)
(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act to Provide for State Reimbursement of Local School Administrative Units which Send Pupils to Secondary Vocational Schools Located Outside of Maine" (H. P. 1213) (Presented by Mr. Goodwin of South Berwick)
(Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act Authorizing and Directing the Department of Health and Welfare to Propose Certificate of Need Legislation" (H. P. 1212) (Presented by Mr. Goodwin of South Berwick)
(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act to Provide Minimum Standards for the Protection of the Rights of Residents of Public Institutions" (H. P. 1219) (Presented by Mr. Talbot of Portland)
(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act Relating to Eligibility of Benefits under the Employment Security Law" (H. P. 1215) (Presented by Mr. Connolly of Portland)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Provide Employment Security for State Legislators" (H. P. 1224) (Presented by Mr. Farley of Biddeford)
(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Permit Municipalities to Collect Service Charges in Lieu of Taxes from Tax Exempt Institutions and Organizations" (H. P. 1217) (Presented by Mr. Talbot of Portland) (Cosponsor: Mr. Mulkern of Portland).

Bill "An Act Improving Benefits under the Elderly Householders Tax and Rent Refund Act" (H. P. 1218) (Presented by Mr. Bustin of Augusta)
(Ordered Printed)
Sent up for concurrence.

Orders

Mrs. Hutchings of Lincolnville presented the following Joint Order and moved its passage: (H. P. 1221).

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Camden-Rockport High School Girls Ski Team Class C State Champions

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. Binnette of Old Town was granted unanimous consent to address the House.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: On a clear, cold morning 38 years ago today, a young lady, and who is still young, by the name of Silvia Murphy of Bangor, was joined in Holy Matrimony to the Honorable James Dudley of Enfield and has been under his loving care and custody ever since. I, along with many others, certainly wish this couple many many more years of continued happiness, love and devotion. Today, she is here with us, accompanied by her son-in-law, Jack Whitney.

(Off Record Remarks)

House Reports of Committees

Ought Not to Pass

Mrs. Tarr from the Committee on Labor on Bill "An Act to Provide for the Protection of Fringe Benefits as Wages" (H. P. 558) (L. D. 687) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Joyce from the Committee on Legal Affairs on Bill "An Act Relating to Operation of Motorcycles or Motor Driven Cycles over the Land of Another" (H. P. 146) (L. D. 174) reporting Leave to Withdraw

Mr. Gould from the Committee on Legal Affairs on Bill "An Act to Require Protective Headgear for Snowmobile Riders" (H. P. 634) (L. D. 785) reporting same.

Mr. Faucher from the Committee on Legal Affairs on Bill "An Act to Require Minimum Standards for Automotive Fire Apparatus" (H. P. 637) (L. D. 788) reporting same.

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

New Draft Printed

Mr. Flanagan from the Committee on Labor on Bill "An Act to Protect the Rights of Persons Seeking Benefits Under Maine's Workmen's Compensation Law" (H. P. 269) (L. D. 325) reporting same in New Draft (H. P. 1222) (L. D. 1210) under same title and that it "Ought to Pass"

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on Transportation on Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles" (H. P. 571) (L. D. 725) reporting same in New Draft (H. P. 1223) (L. D. 1211) under same title and that it "Ought to Pass"

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock
CYR of Aroostook — of the Senate.

Messrs. STROUT of Corinth
KAUFFMAN of Kittery

FRASER of Mexico
JACQUES of Lewiston
BINNETTE of Old Town
WINSHIP of Milo

Mrs. BERRY of Madison — of the House.

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

Report was signed by the following members:

Messrs. JENSEN of Portland
LUNT of Presque Isle — of the House.

Reports were read.

(On motion of Mr. Fraser of Mexico, tabled pending acceptance of either Report and specially assigned for Tuesday, April 1.)

Consent Calendar

First Day

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

Bill "An Act to Provide Criminal Penalty for Tampering with Passenger Tramways" — Committee on Legal Affairs reporting "Ought to Pass" (H. P. 632) (L. D. 783)

Bill "An Act Relating to Public Safety on Passenger Tramways at Ski Areas" — Committee on Legal Affairs reporting "Ought to Pass" (Mr. Cote of Lewiston abstained) (H. P. 633) (L. D. 784)

Bill "An Act Clarifying Sprinkler System Requirements in Boarding Homes and Existing Places of Assembly" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-105) (H. P. 531) (L. D. 649)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 27, under the listing of the Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49-A, the following item appears on the Consent Calendar for the Second day:

Bill "An Act Relating to the Giving Away of Deer" (S. P. 221) (L. D. 734)

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

Passed to Be Engrossed

Bill "An Act to Increase Fees for Overlimit Permits" (S. P. 255) (L. D. 831)

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

Second Reader

Tabled and Assigned

Bill "An Act to Increase the Veteran's Property Tax Exemption" (H. P. 1174) (L. D. 1172)

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

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill needs a little more attention before we send it on its way. I think the cost factor, which is on the bill, is very confusing. It gives, I think, a breakdown of state costs of about \$15,000.

I am sure that all of us realize that there

is a cost factor here to the towns in loss of property taxes, and just what it is, I do not know, but I do know in looking at this thing since yesterday that there are some very serious ramifications. You know that the state pays after the town reaches a certain plateau. And regardless of how noble this may be, and I am not saying that we should out of hand say it is a bad idea, it may be good, but I think we should look at the cost that this may put back on the property tax at the town level. I am suggesting, if it is at all possible, that the Property Tax Bureau might have a printout for us of exactly just what this would cost individual municipalities in this state before we send it on its way, and I would ask that we might table this for two days.

Thereupon, on motion of Mrs. Najarian, tabled pending passage to be engrossed and specially assigned for Tuesday, April 1.

Bill "An Act to Allow a Trade-in Credit on the Sales Tax on Boats" (H. P. 185) (L. D. 233)

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

Mr. Dam of Skowhegan offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-106) was read by the Clerk.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think this is one of the finest amendments to any bill that will ever be offered in this session or any session coming after.

I don't agree with the fiscal note, because it says it will result in a loss of revenue of millions of dollars annually and with no set price of how many millions. I don't agree with this because of the arguments that I heard yesterday when it came to the boat bill that by taking the sales tax off it, we are going to increase the revenue to the state many many times over. I just wonder if there is there is just one industry that this would work. Personally, I don't think it is. I think it would work in all the industries in the State of Maine, and I think also, if we were to take the sales tax off all goods manufactured in Maine and sold in Maine, that we could really start the industries in the State of Maine moving ahead and expanding and we would make it a lot more attractive for other industries to come into our state.

It is possible that for a short time, maybe for three, four, five or six months, there might be a loss of revenue, but I am positive and of course even more positive today after hearing the arguments yesterday that this would increase the economy of the state and would bring many, many more millions of dollars into the state in added revenue. This is why I think this is one of the really, even though it is my amendment, I shouldn't blow it up, but I still think it is one of the best amendments that will ever be offered to any bill, no matter how many sessions you people serve here, and this is the reason I am offering it, because I have such a great feeling for the economy of the state and the manufacturers in this state and those people who are buying those \$250,000 boats.

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

Mr. SMITH: Mr. Speaker, this is a very amusing amendment and I have just one

question of the gentleman, if I could pose it through the Chair. Does he think this is going to unbalance the Governor's biennial budget?

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, has posed a question through the Chair to the gentleman from Skowhegan, Mr. Dam, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. DAM: Mr. Speaker, to the good gentleman from Dover-Foxcroft, Mr. Smith, I would say, yes, it would unbalance his budget because it would bring in many, many more millions of dollars than he expected to have, so I would have to answer in the affirmative.

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

Mr. GREENLAW: Mr. Speaker, may I pose a question through the Chair? Is this amendment germane to the bill? Would the Chair rule on that please?

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question to the Chair to the germaneness of the amendment. The Chair would rule, in view of the fact that the gentleman from Skowhegan, Mr. Dam, is adding a new section which is not covered by the L. D., and the Chair would rule that the amendment is not germane.

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

Mr. DAM: Mr. Speaker and Members of the House: I arise to appeal the decision of the Chair, and my reasoning for appealing is that I feel that the amendment is germane because it has to do with sales tax and sales and use tax and the same, sales and use tax has to do with the title subject of the bill, which is taking the sales tax off boats. So, I feel it is germane and for that reason, I appeal the ruling of the Chair.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, has appealed the decision of the Chair. It will be put to a vote, since the rules do provide that provision. If you wish to sustain the ruling of the Chair, you will vote yes; if you are opposed, you will vote no.

A vote of the House was taken. 106 having voted in the affirmative and 3 in the negative, the decision of the Chair was sustained.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, would it be in order if I asked to have this bill indefinitely postponed and all its accompanying papers?

The SPEAKER: The gentleman's motion would be in order.

Mr. LEONARD: I so move.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I certainly oppose the motion of the gentleman from Woolwich to indefinitely postpone this bill. I don't want to extend the debate much further this morning, because I think this matter had a very good debate. I think the points that were made yesterday, both pro and con, were excellent. I would just ask you this morning to vote against the motion to indefinitely postpone.

While no one can clearly state that there would be a loss of revenue as a result of this bill or perhaps an increase as a result of increased business in the boating industry, I am sure that we feel on the

coast that this bill would certainly give a boost to not only the boatbuilding industry but to the fishermen who have to have boats to make their living.

I would just point out to my good friend from Bridgewater, Mr. Finemore, that there are presently two exemptions of this type on the books. One is for trade-in credit on sales tax on cars and the other is on farm tractors. I ask the House if they would consider that and have boats included on that trade-in exemption?

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I would ask your support in voting against the motion of indefinite postponement on this bill. I would ask that all those who have coastal constituency and are concerned about a very large factor in Maine's economy to maintain and continue to support this measure.

I would request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, we saw two bills come out of the Taxation Committee. The bill before us today is one of them, the other was on tax exemption on trailers. I personally feel that if it is good for the boating industry to make exemptions on trade-ins of boats as far as sales tax is concerned, then certainly it should be applicable to all other things, especially on the trailer industry because the trailer industry is a Mainetrailers are built here in Maine just like boats are. I was willing to support the motion of Mr. Dam on the amendment in hopes that maybe that would stimulate Maine business, but unless universally go through and do it for all industries in the state, I really can't see where there is any logic to this legislation at this time.

The SPEAKER: A roll call has been requested. In order 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 in favor of a roll call will vote yes; those opposed you will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Woolwich, Mr. Leonard, that this Bill and all its accompanying papers be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bustin, Call, Carey, Carpenter, Carter, Chonko, Connolly, Cooney, Cote, Dam, Dow, Dudley, Durgin, Farley, Farnham, Fenlason, Flanagan, Garsoe, Henderson, Hobbins, Hughes, Hunter, Jensen, Joyce, Kauffman, Kelleher, LaPointe, Laverty, Leonard, Lewin, Lizotte, Lynch, Mills, Nadeau, Perkins, S.; Quinn, Raymond, Spencer, Sprowl, Strout, Stubbs, Talbot, Teague, Theriault, Tierney, Tozier, Wagner.

NAY — Albert; Ault, Bagley, Bennett, Bowie, Burns, Byers, Carroll, Churchill, Clark, Connors, Cox, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Doak, Dyer, Faucher, Finemore, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hennessey, Hewes, Higgins,

Hinds, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Kany, Kelley, Kennedy, Laffin, LeBlanc, Lewis, Lovell, Lunt, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, Miskavage, Mitchell, Morin, Morton, Mulkern, Najarian, Norris, Palmer, Pelosi, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Rolde, Rollins, Saunders, Shute, Smith, Snowe, Susi, Tarr, Torrey, Truman, Twitchell, Tyndle, Usher, Walker, Wilfong, Winship.

ABSENT — Blodgett, Drigotas, Gould, Hall, Jacques, Littlefield, MacEachern, Martin, A.; McKernan, McMahan, Peakes, Peterson, T.; Rideout, Silverman, Snow, Webber, The Speaker.

Yes, 54; No, 30; Absent, 16.

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

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

Bill "An Act to Exempt Fuel Adjustment Charges from the Sales Tax" (H. P. 189); (L. D. 266)

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

Passed to Be Enacted Emergency Measure

An Act to Clarify Certain Laws Relating to Boxing (H. P. 388) (L. D. 480)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken: 117 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District to Require that District to Provide and Fund Pupil Transportation (H. P. 629) (L. D. 780)

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: 119 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act to Establish County Commissioner Districts in Penobscot County (H. P. 56) (L. D. 68)

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

(On motion of Mr. Kelleher of Bangor, tabled pending passage to be enacted and specially assigned for Tuesday, April 1.)

Passed to Be Enacted

An Act to Revise the Laws Relating to the State Board for Registration of Architects (H. P. 179) (L. D. 196)

An Act Relating to Apprentice and Journeymen Plumbers and Establishing the Classification of Trainee Plumber (H. P. 240) (L. D. 318)

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 Relating to Limit of Insurance Risk Exposure under the Maine Insurance Code (H. P. 292) (L. D. 344)

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

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith, in reference to Item 6.

Mr. SMITH: Mr. Speaker, I am only going to pose a question as to what this bill does, I guess to anyone who may care to answer.

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be enacted and tomorrow assigned.

An Act to Provide for a Booth License under the State Barber Laws (H. P. 438) (L. D. 539)

Was 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 Relating to Education and Training under the Laws of Barbering (H. P. 437) (L. D. 545)

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

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I am going to move that this bill and all its accompanying papers be indefinitely postponed and would speak briefly to my motion.

The present law on barber schools calls for barbers to spend 1,500 hours in training over a period of at least nine months. Now, this has been amended to read that he must go to school for 3,000 hours over a period of two years and we have also added to it that he must have a high school education.

I would point out to you that the average student in college spends 15 hours a week in classroom work. Now admittedly, he has to do a great deal of studying outside but he is actually in classroom 15 hours a week. Over the four-year period, to earn a degree in a four-year accredited college, he spends 2,040 hours in classroom and we expect a fellow who wants to learn the barber trade to put in 2,000 hours. After the educational requirements, I am surprised that he doesn't have to have a degree in cranial anatomy to qualify to be a barber.

This is a trade, an honorable trade, it is not a profession, and all the sole purpose of this bill is to restrict the number of people who can be barbers.

Now you say, why am I getting up on this bill? Well, I had a young fellow and his girlfriend come to my house last weekend. They had heard about this. She thinks he wants to go to beauty school and learn to be a beautician; he wants to go to barber school and learn to be a barber, but this would postpone their marriage for at least two years because they have to have some income to get married. I just think it is all wrong that we take a trade like this and require a man to put in 3,000 hours to learn it.

You and I know that there are people

who have been carpenters all their lives and they are just wood butchers. There are barbers who are hair butchers and they have been at it for 40 years. Training and training won't improve them. They just lack that knack and if I was to be a barber, I can assure you that I would be the best barber you ever saw because I just have no skills along those lines, either carpentering or barbering. Everything I've got has been smashed by hammers trying to drive a single nail. Therefore, I hope you will think of this. This is just trying to make a closed shop for a few years. Of course the barbers have been hurt. Nobody gets their haircut anymore, if they do, they go to a hair stylist, but this is just a trend and they will come back and they will be wearing haircuts again and the barbers will all be busy.

The SPEAKER: THE Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to recall an article that I read in the Portland Sunday Telegram two weeks ago where one of Representative Talbot's daughters, who evidently had been visiting the House, was asked what she observed, and she told her father there were 33 bald heads in the House, so I don't think that any man would have to serve an apprenticeship of 2,000 hours to go to school to cut some of the heads of hair that I can see now.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: This bill was heard before the Committee on Business Legislation and received a unanimous "ought to pass" report from that committee.

This bill, which does increase the educational requirements for aspirants for a barbering license in Maine, was heard at public hearing and a number of proponents spoke representing the State Board of Barbers, individual barbers and barber schools, who were all reflecting unanimity regarding the increasing educational requirements. If we take 2,000 hours and we divide by 40 hours a week, which is usually the number of hours that the barbering students do work, five days a week, 8 hours a day, then we are requiring them to have 50 weeks of training before they are licensed by the State of Maine.

This bill was introduced by the gentleman from Van Buren, Mr. LeBlanc, and does receive the support of the barbers across the state through their representative agency.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think that the gentleman from Hampden brought it out very thoroughly in regard to this bill. I don't see why you have got to go to high school in order to learn to be a barber. I am not one myself, but I think there are a lot of people who can cut hair — I know my wife used to do it on my kids and she didn't take any training in school, must put a bowl on their head and cut them.

I really think that this bill is nothing but just a bill from a group that wants to try to upgrade this profession — I will call it profession. In other words, it is a trade in my book. I really believe that anyone who has as much training as what they have in the original bill of nine months is plenty long enough. They had the number of 500 hours and they increased that from 500 up

to 2,000. That is four times the amount of hours. I think that is ridiculous. I therefore hope that this bill will receive indefinite postponement with all its papers.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would ask a question of anyone who might be able to answer.

I have not been able to find the Grandfather clause in here, what about the poor fellow that is within what he thought 100 hours of completing all of his training and his studying who now finds suddenly that he has to pretty much double the time he has got in. Is there such a thing as a grandfather clause in this bill?

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

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: This wouldn't affect the present ones that are enrolled in school. It would start from the time that this bill becomes in effect, which would be 90 days after we adjourned.

Now, I was asked by the Barber Board and the union and the Barber Association to sponsor this bill for them. In the state right now there is over 500 barbers who are out of work because. They are out of work because they are not stylists and they can not compete with the ones who do have a stylist license.

The representative of the barber school in Lewiston was down at the hearing and he concurred with the union and with the Barber Board that this was highly recommended. He feels that a barber, as a apprentice, that does not have a high school education would have a hard time to become a barber. Not only that, but even if he doesn't have a high school education, all he has to do is pass the equivalency test of a high school.

Ladies and gentlemen, I don't know what else I can tell you on this bill, but the barber trade itself wants it and I concur with them that the education is needed. It only lengthens the school by six months or 500 hours, not the 4,000 that was mentioned here.

On motion of Mr. Carey of Waterville, tabled pending the motion of Mr. Farnham of Hampden to indefinitely postpone the Bill and all accompanying papers and tomorrow assigned.

An Act Increasing Certain Permit, Examination and License Fees, for Hairdressers and Providing for Biennial Renewal of Certain Licenses (H. P. 453) (L. D. 559)

An Act to Increase Certain Fees Paid to the State Board of Nursing (H. P. 496) (L. D. 614)

An Act Relating to Conveyance or Loan of Property to the Cumberland County Recreation Center (H. P. 540) (L. D. 656)

An Act to Amend the Charter of Erskine Academy (H. P. 592) (L. D. 732)

An Act to Decrease the Insuring Limitation on Certain Programs of the Maine Guarantee Authority (H. P. 832) (L. D. 959)

Finally Passed

Resolve, to Reimburse Edgar Tupper of Madison for Loss of Beehives by Bear (H. P. 493) (L. D. 612)

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

Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

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 24, by Mr. Faucher of Solon.

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

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

Mr. MORTON: Mr. Speaker and Members of the House: I was given to understand by the gentleman from Waterville that he might withdraw his motion but since he hasn't chosen to, I would ask that you consider this very carefully. I ask for a division, Mr. Speaker, on Mr. Carey's motion.

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

Mr. CAREY: Mr. Speaker and Members of the House: I am buried under with my notes here. I would, at this time, make the motion that I would withdraw my motion and move that it go to Business Legislation, although it is very dangerous.

The SPEAKER: The gentleman from Waterville, Mr. Carey, withdraws his motion and moves that the Bill be referred to the Committee on Business Legislation.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure what the motive of the gentleman from Waterville is, but this is a matter which should be before either Legal Affairs or Judiciary and my reason for asking that it be before Judiciary was that I had a similar bill earlier in the session which went to Judiciary and has been heard in hearing and is now being worked over to be brought out. It seems to be pretty apparent, and I have talked to both the Judiciary Committee Chairman and the Legal Affairs Chairman, that bills of this type which bring civil action against the State have quite traditionally, although perhaps not always, been handled by Judiciary, whereas resolves calling for grants have been handled by Legal Affairs. I think there is ample precedent for this being in Judiciary, certainly not in Business Legislation, and I would urge you to defeat the motion of the gentleman from Waterville.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would withdraw my motion to send this to Business Legislation and in all kindness would send this to the Committee on Judiciary.

The SPEAKER: The gentleman from Waterville, Mr. Carey, withdraws his motion to refer the Bill to the Committee on Business Legislation.

Thereupon, on motion of Mr. Carey of Waterville, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

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 24, by Mrs. Najarian of Portland.

Pending — Reference.

On motion of Mrs. Najarian of Portland, referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

The Chair laid before the House the third item of Unfinished Business:

Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing" (H. P. 273) (L. D. 327) (C. "A" H-58) (H. "A" H-76)

Tabled — March 24, by Mr. Palmer of Nobleboro.

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

Mr. Henderson of Bangor offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-95) was read by the Clerk and adopted.

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

Mr. AULT: Mr. Speaker and Members of the House: This amendment that we have just adopted does not change my opinion of this bill whatsoever and I again move that this bill and all accompanying papers be indefinitely postponed.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment was drafted at the suggestion of several members of the House the other day and also the specific suggestion of the Assistant House Minority Leader, Mr. McKernan. I think this clarifies the bill to show that this may not discriminate in rental housing solely because of the fact that persons come to that rental housing and have children. It also indicates that they may make differences among the people who apply for that rental housing on other grounds that are legitimate and reasonable, such as the fact that there are too many people for the dwelling, the dwelling is not equipped to handle the persons who are applying or the people will be too noisy or people have a bad record of being tenants in the past and so forth. But solely because of the reason that people have children would not be a legitimate basis for discrimination.

Mr. Speaker, I hope we oppose this motion to indefinitely postpone and finally pass this L. D.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentleman from Wayne, Mr. Ault.

Currently I own some four separate buildings which have apartments. Two of these buildings I rent to adults. Two of them I rent to adults and children. Thus, I do not feel I discriminate against children from the overall point of view. However, I should like to point out that one of these buildings I rent happens to be on the National Register of Historic Places. The people residing in this building consist of middle aged adults and senior citizens.

To pass this bill would, in effect, present quite a problem in this respect. I would feel that to do this it would result in the substitution of one form of discrimination against another, that of the discrimination against senior citizens. We might cease to discriminate against children but then we would be discriminating against senior citizens who wish to live alone, who have lived out their life, who wish to live as they see fit.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker and Members of the House: May I pose a question through the Chair to anybody that would answer? Does this still stay in the bill that we wouldn't be able to advertise an apartment or a rental for "adults only"?

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

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: In general, it would. The only exceptions would be, as far as I can see, is that if it is a small efficiency apartment or for some other reason is clearly, clearly not available for children, that is from a structural point of view, otherwise that would eliminate advertising.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I also would like to pose a question. Along with the same lines that I understand you can not advertise for "adults only", what about the case of a person who owns a home and decides that he would like to have his upstairs made into an apartment? Could he prohibit children from coming there?

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

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

Mr. HENDERSON: Mr. Speaker and Members of the House: Yes, he could disallow that since owner-occupied four-unit dwellings are exempt. So, I think I must amend my answer to Mrs. Tarr by saying that advertising will be allowed to say that children are not accepted only in those houses in which there are four-units owner-occupied. So, yes, there will be that additional advertising allowance as well.

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

Mr. PELOSI: Mr. Speaker and Members of the House: May I pose a question to the Chair?

You mentioned yesterday that the Ethics Committee was going to send a letter out?

The SPEAKER: The Chair would inform the members of the House that it is my understanding that the Ethics Committee has mailed the letter to the various members who have requested the opinion. It is my understanding that the Ethics Committee has ruled, that in view of the fact that this legislation affects people and not necessarily to a individually or financially would give anyone individual benefits, that it is not in conflict of interests with the existing statutes dealing with the conflict of interests under the Ethics Law? The Chair would advise members of the House, however, that if any member wishes to be excused, they

can still be excused, pursuant to House Rule 19.

The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker and Members of the House: I have sat on this committee and have received testimony on this bill and we seem to get a lot and we ask questions and usually what we got was, what this bill does not do. It seemed that we would be discriminating against our elderly people in a number of circumstances. I would like to put a question through the Chair. What does this law do that the present law doesn't do?

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

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: What this does, that the present law doesn't do, is to outlaw across the board discrimination against the people with children who wish to rent houses, that is what it does that the present law doesn't do. It does not allow people to arbitrarily deny rental housing solely because of the fact that an individual is a member of a family with children. That is what it does.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question. We have been talking rental housing, but on page 2, it allows a person or an agency of a person making loans to establish standards, preference times, conditions, limitations, or specification for the grantings of such loans or financial assistance, which are not based on receipt of public assistance payment. Are we, in effect, saying that people receiving public assistance can not be refused a loan if they come in and say, "I am getting public assistance and I can repay whatever terms are set on the loan and the loan officer says, "you are going to need all of your public assistance to live on, you will have nothing left to repay the loan." What happens?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, poses a question through the Chair to anyone that cares to answer.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: If we read that section, the beginning of that section says, that nothing in this act shall be construed in any manner to prohibit or limit the exercise or privilege of any person, in effect, making loans and establishing their own standards and requirements for the repayment of those loans. But that they may not arbitrarily introduce restrictions based on the fact that a person is in receipt of public assistance. That would mean to say, that if that public assistance, that income, was not considered high enough over and above normal requirements of a persons food, lodging, clothing, to repay that loan, then the company would have the perfect right to say your income does not match your needs to repay this loan. What it is saying is, the source of the income ought not to be the factor but whether the income is sufficient.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I don't speak against this legislation easily but I have spent the last couple of days thinking about this bill and its impact and I don't believe that it is sound legislation. I think that I would strongly opposed that I would be strongly in favor of a bill which prevented discrimination against people receiving AFDC as compared to other people with children but I don't believe that I can support a bill which prohibits landlords from distinguishing between people who don't have children and people who do have children because I believe that families with children are very different from people without children, if you are renting housing to them.

I am not a landlord but I have rented our house on occasion. I have rented it to families with children and I have rented it to people without children, when I was not living there. The fact is, that children create very different problems as tenants, than adults. I am the proud father of a two and a half year old son and it is a blessing for the landlords of Maine that we own our own house because he crayons on the walls if no one is around. The wear and tear on the house is much greater than it was before we had children and I think that this is an endemic situation with small children. I think that there are a great many situations where this legislation works a hardship. The example given of someone owning a piece of rental property which is of historical significance. He may very well not want to rent to children for good reason. There are situations where you have apartments that are in the same building with office space and where the residents of the people who are renting the office space may not want to have children riding tricycles in the halls, as people come up to their offices.

I think there are situations where people rent housing furnished; it may be furnished with antiques, it may be furnished with their own personal possessions, and I think that they ought to be able to distinguish between families without children and families with children.

All of this does not suggest that I do not recognize what I believe is a very real problem, which is because of a shortage of housing, landlords are renting to people without children and it becomes very difficult for people with children to find rental housing. I do not believe that the solution to this problem is to prohibit people from distinguishing between those with children and those without.

I think that if this legislature wants to deal with the housing problem of people who have children or families with children, that there are a wide range of kinds of legislation that we could adopt to do this. We could provide grant programs for landlords who would make their housing available for children. We could encourage the Maine Housing Authority to adopt programs in this area, but I think what we are doing here is extending the principle of non-discrimination into an area where it doesn't apply.

The basic premise of this type of legislation is that people who are equal ought to be treated equally, and I think that here we are requiring that the people who own rental housing treat prospective tenants who are in very different categories as far as their performance as tenants treat them the same, and I don't think that this is a proper exercise of the power of the state to require equal

treatment. I think it should be limited to those situations where the beneficiaries of that legislation are in fact equal.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I think you are doing a great disservice to this bill and to those persons within this state that this bill is going to help.

I was under the impression that this bill was tabled last week on a number of occasions so that those people with objections could either come to the committee, could come to myself as chairman of that committee, or come to the sponsor of this bill and get the answers that they need.

This morning I stand here and listen to all these questions and answers about what the bill does and what the bill doesn't do. I think you also do a disservice every time a bill dealing with rental discrimination comes before this House and everybody starts using scare tactics about what the bill won't do and what the bill will do.

Let me try to explain it to you one more time. Maybe I am not doing it right, maybe I am not doing it collectively enough, but I will try one more time. I sincerely hope that you don't fall to the scare tactics used in this piece of legislation. If you own a piece of property, whether it be rental or whether it be an apartment or a house, there is nothing in this bill that mandatorily says you have to rent to children. That is the basis of this bill. There is no disguise in the bill; it does not mandatorily say that you have to rent to children or anybody else.

If you have a piece of property and you have a foundation for not renting that piece of property to anybody, whether they be Black, White, Blue or Yellow, whether they be poor, whether they have children or anything else, you have a legitimate right, under this bill, under the laws of this state, to refuse to rent that piece of property. It is as simple as that. You have a right under this bill and the laws of the State of Maine to do that. If I were a prospective tenant coming to you to rent a piece of property and I have six children and you refuse me, that still does not give me a case. I still don't have a case that would arbitrarily take you to court. I have to go to the Human Rights Commission, I have to have my witnesses. It is like any other piece of legislation that is being misused. You have to have a case, you have to have a foundation before you can go to court, before the Human Rights Commission will even take it, before the courts will even take it. I have been through that a hundred times, and I can tell you that that is exactly the way it is.

All this bill does, and I wish I could express myself like the gentlewoman yesterday, Mrs. Tarr, when she explained it. This bill is going to help some people within this state. There is a dire need of property that can be used by people. There is a shortage in the City of Portland, there is a shortage all over the state. This bill is going to help these people. This bill is going to do that, and it does not arbitrarily say you have to rent to children, to the elderly or anyone else. If you have an apartment that you feel is too small, or it is too weak because of the wall structure or what not that you cannot take children or you do not want to rent to children, then you can do that.

I sincerely hope that this body doesn't fall to the scare tactics of others to defeat this piece of legislation.

Now, the gentleman from Wayne, Mr. Ault, is a member of this committee, and I respect his opinions and I highly respect his advice, but he has had all this time to ask specific questions on this piece of legislation, and I have yet to see that gentleman stand on this floor or in that committee and ask a specific question. I have talked with Mr. Ault and I have tried to explain to him his reasoning, my reasoning and the difference and I thought I had done that. If he still opposes the bill, fine. I have no problem with that, but I sincerely hope that you don't fall for the scare tactics on this piece of legislation to defeat it on those principles. If you can fundamentally within your own self and in your own mind come up with good solid, fundamental reasons why you want this bill defeated, then vote against it. I have no problem with that whatsoever.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think passage of this type of legislation, if we have a housing shortage now, it will make it even greater, because certainly there is no incentive for a man to build a house and then he is told who he can rent it to.

One landlord in my area called to my attention that the reason he didn't rent to children, he had broken stairways and that his upstairs part of the building was painted with lead paint and that this was very bad. He had been told that he would have to paint it, and it would be a very big expense and this was some of the reasons why, in these particular rents, he didn't have children. He felt it to be detrimental to children to fall down these stairways and he also felt that he probably would have to paint the whole upstairs because it was painted with lead paint. I think that this is his prerogative and his building and he should have the right to say who he rents it to. I thought he had very good reasons.

I say that this very legislation would hurt the people we are trying to help, because the more we harass the landlord, the less rents there are going to be and eventually there won't be any if we harass them enough.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this and maybe for a different reason. The reason I oppose the legislation is that it involves all of our God-given rights. One of the things that this legislation does, it takes away the rights of the landlord. I am not a landlord and probably never will be, especially with legislation floating around like this. But the landlord owns the property, and I think it is the right in ownership that he can say who rents it and who can't.

I can go along with the discrimination part of things that you are born with that you cannot overcome, but certainly you are not when you are born with children, that is something that is an option on everybody's part. If they choose to rent, that is a hazard that they are going to have to put up with in life.

The fact is, there are a lot of benefits to rents and there are a lot of hardships in renting. One of the benefits is that you don't have to maintain, in most cases, the residence you are at, but one of the hardships is the fact that maybe you can't find rents to your liking. Certainly, the landlord in this case has some sort of right and his rights I think are vested in the very

fact that he owns the property, and I think it is up to him to say who he wants to rent to.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In all due respect to the gentleman from Portland, Mr. Talbot, I can't help but read this bill to the extent of it saying that for any person to refuse to rent residential property to families having children, it means just that and I wonder, do we have a problem in terms for housing for the elderly in that those units would be large enough for children and they, therefore, could not rent to the elderly without opening it up to children?

The SPEAKER: The gentleman from South Portland, Mr. Perkins, poses a question through the Chair to any member who may answer if they so desire.

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

Mr. HENDERSON: Mr. Speaker, if a unit is large enough, this bill would require that person to rent to the people who apply, not in regard to whether they have children or not. So that would include the fact that you have to choose, depending on who came first, whether you want to rent your unit to an elderly couple or whether you want to rent it to a family with young children.

What we are saying is, not to discriminate between either one of those. You are to deal with people on their own merits as they come to you.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the people, I believe, who requested a letter on conflict of interest. I can read the letter or show it to anyone who is interested in it. The final two paragraphs are: The committee feels that you are not in either position, the positions being about the positions where conflict exists, therefore, it is the opinion of the Committee of Legislative Ethics that nothing under the existing statutory provisions precludes you from voting or becoming involved in the outcome of L.D. 327 and I will enlarge upon this a little bit.

When I was first married, for the first three years we lived in eight different locations. We traveled with a child, a dog and a cat, and if you think you have problems with the children, you should try traveling with a dog and a cat, particularly when it was a mean cat and we had a mean cat. We are now in totally the opposite position, having nine units which we rent, five of which are rented to families with children, one that is actually in the building that has an office too. We also have dogs and cats, gerbils, goldfish and goodness knows what else in these various units.

When someone comes to us to rent, we have to in some way make a decision whether we want to rent to them and whether they are going to treat our property right, and I would also add here that both my wife and I have done most of the work on the property, the papering and all. We have an interest in it and we feel protective toward it. We are put in a position where we can check credit of people, make a decision on credit rating and we make a decision on past references, particularly when they are from out-of-state, because this can be very hard. We feel that we should have the right

to make a decision on renting on the basis of families. One of my units has four bedrooms and you can put two kids to a bedroom and have quite a family in there, but in that particular house, we don't want large families in it. I think that with the effort we have put in, the work and all, that we should be able to make this decision. I hope very much that you will support the indefinite postponement of this bill.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: At hearings on bills like L. D. 327, opponents state, and rightly so, that tenants often have much support and financial backing behind them, and it does the landlord no good, on occasion, to insist in court that past performances elsewhere by a prospective tenant is the reason for the refusal to let a rent and not the reason, backed by law, that the landlord gives.

How can we in this House have the nerve to pass something like this, to say to a prospective landlord that he must rent his property to a family who — and sometimes there is much evidence to prove it — left their last abode with hatchet marks in the walls and strawberry jam on the wallpaper, tattered window shades, inoperable electric light sockets and countless other costly blemishes and damages?

Ironically, the laws insist now that landlords keep their apartments all ready and good to rent to somebody else. This bill will present just one more obstacle to landlords.

I have a very, very interesting story to narrate relative to letting to children, a personal experience.

My family had a tenement house with a vacant tenement and we had just had a miserable experience with one of the tenants from having left the children, and I don't have to tell anybody in this House that I love children, but it has been explained by others today and many times in the past what can happen. I will say this, that I have not wanted and it hurt me to refuse mothers when they would call up and admit that they have children.

On this one occasion, this man blasted me to a fair-thee-well, and before I could brace myself and reply, he had hung up and left me with my left ear ringing. He indicated that I must be some person if I hated children. Well, I don't hate children, but he didn't give me the chance to explain. A little later on, the people upstairs over this vacant rent called me and they said, oh, we have a lovely family for you downstairs and we will have them here two o'clock tomorrow afternoon and you can come over and interview them. I never gave it a thought. I went over and it was that family, but the man had such a sheepish look that I thought that probably I would be in control if I let the family in and it sort of did my heart well to see that he looked kind of ashamed; so I let the family in.

A few months later, I went to collect the rent, and when I went into the kitchen, the woman greeted me, not only with tears and sobs but she really was all broken up. I said, "What is the matter?" "I don't have the rent for you today. My husband has run off with another woman and left me and the kids to shift for ourselves. Three weeks later when I went to that tenement house, I was at the doorsteps, coming up the path, just as the gentlemen himself was coming out. He had come mainly to leave the rent money with his wife. Very cautiously and

kindly, I mentioned to him about what he had said to me about not wanting his children in the house and then that he had gone and done something a lot worse by running off with another woman and leaving his family to shift for themselves. He looked very sheepishly, held his head right down, and said, "I know, I know."

This bill is just one in a succession of bills which presumably are designed to protect tenants from being discriminated against or victimized by landlords.

As I indicated the other day, the tenants have more going for them, actually, than does the landlord. Let someone accuse his landlord of an alleged act and only too many times the listener is convinced that such is the truth. He will not go to the landlord to get his side of the story.

When the matter of inconvenience comes up, it is usually the landlord who is inconvenienced. If someone wants to hang a picture with a railroad spike, the landlord is a "square" if he has the audacity to object. If someone wants to bring a jackhammer or a miniature battering ram into a tenement to make an undesigned passageway into another room, that is strictly standard operating procedure in the minds of too many people, and believe me, these things actually have happened to some unfortunate property owners.

Proposed legislation like this serves as a psychological weapon designed to cause the landlord to wish that the devil had his property. To give you an idea of the warped philosophies that some people entertain on occasion, I'll tell you about my alleged lack of consideration when I changed a washer in a water faucet. I got this telephone call from a tenant. She lived downstairs and in a room that was right over hers apparently water was gushing down greatly. She told me that she had been upstairs but we knew that the man was very deaf. She said he had his radio on very loud to compensate for his inability to hear and her poundings and her shoutings were to no avail. I can tell you, she had strong voice range. I went down and I went upstairs and I got into that room. The man was there listening to the radio or the television, I guess, and the bathroom was within inches of him but his head was turned the other way and the bathroom was flooded. So I mentioned it to him and he said, "Look, George, it is your fault. Before you changed the water faucet in the sink, it only took three turns of my hand to shut off the faucets; I take the three turns now and that isn't enough, that is not my fault, it is your fault."

I had another occasion that a man came home at night, he was locked out of his room on the top floor, so he proceeded to pound a panel right out of the door so he could get his hand in and unlock the door. When I said to him the next day, "Why didn't you look around, just look under the doors and see the lights to see who was in and you could have inquired if there wasn't some way that you could into the room without smashing the door?" He said, "I didn't want to disturb anybody." I said, "Great scot, disturb anybody, the smashing of that door panel was probably heard six blocks away."

Thank you for your kind attention. That is all I have to say. This speech has been rather lengthy but there has been a reason for it. I want this speech to be one not only to kill this bill, to kill all the foolish subsequent bills of the same nature. Thank you again.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Hinds says I can't match that and it is true, I can't. I think it is very entertaining, but there are some real serious parts to this problem too. I think I have been on the defensive or this position has been on the defensive all morning and I would like to defend it just briefly a bit more and then speak a little bit more positively.

Representative Call, the other day, said that we ought not to talk about landlords in a derogatory manner. We ought not to consider them less than normal people, because the more you talk about that, the more people believe it. I think he was absolutely right, but I think we should apply that to everybody, landlords and tenants.

We should all realize that not all tenants are low-income, welfare AFDC mothers and families. There are a lot of people out there working every day, a lot of people work here for the State of Maine, for the factories in Lewiston, all over the place that have families that haven't been able to get enough bread together to buy a house, and they are the kind of people, especially as rents go up, have to shop around in an extremely tight housing market.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to speak too long on this, but to my good friend from Enfield, Mr. Dudley, since he referred to lead paint and open stairways, I would suggest that he look at the bill in Section 1 and read where it uses the words "comfortably and safely occupy such a unit." That will take care of that problem.

To my good friend Mr. Call, I think he made a very good presentation and I think it was rather amusing, but this is something that I have seen through three sessions, anytime that you are afraid of a bill or you want to kill a bill you drag out everything you can and add it into the testimony. To that good gentlemen I would say one thing, that if he has trouble with his bathtub overflowing, I would suggest to him that he get a plumber or himself and he check the drain or the overflow on the bathtub and maybe regulate the water pressure and then he would's have trouble.

Now, as far as the bill itself, I am going to support the bill. I am a landlord. It is true, I have had my bad experiences like the rest, but I don't know of any business that anyone can get into that they don't have bad days and good days as well. I do not see anything in this bill that puts any undue limitations or hardships on the landlord.

If you have a single-room apartment, you have every justification in the world for not renting it to a family with six children, because they can't comfortably occupy the apartment. The bill says this.

If you use a uniform rental agreement for all your tenants and all your property, and you don't discriminate arbitrarily against anyone, you can almost do anything you want to under this bill with a uniform standard agreement. And if you are doing any renting at all and making any money, then I would think that most of those people in the business of renting do have a rental agreement.

I don't think by voting for this bill that I have a conflict. However, if I were to vote against it, then I would most probably ask to be excused from voting.

As far as cutting the holes in the walls with jackhammers and power saws and using spikes to hang pictures, well, while

the discourse that we receive from the gentleman from Lewiston was amusing to me, I think it is utterly absurd, because there again your rental agreement would take care of this. So I suggest only to the people that don't like this bill, the landlords that don't like it, maybe they ought to look at the business they are operating and change their methods of operation and then they wouldn't be so much against this bill.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I had originally planned to speak in support of this bill and I still feel great sympathy for it.

I wanted to speak also from the standpoint of the landlord, not that I am a landlord now but my family has been in the rental housing business for many years and I formerly worked in that business. I worked in it at a time when one of the leading controversies, one of the leading problems of any landlord was the question of renting to Blacks. This was in another state where there was a Black population of some extent and it was a very difficult problem for us to know whether we should rent to Blacks because the theory was, you would lose your other tenants if you did rent to Blacks. As businessmen will sometimes do, the path of least resistance was taken and Blacks were not rented to until a law was passed that said you could not do this, and that was a great boon to us as landlords because that set a guideline for what we should do.

The same problem of conscience faces you as a landlord when you deal with the problem of renting to families with children. I think Mr. Call, the gentleman from Lewiston, has already referred to his own wrestling with his conscience in regard to this problem, and that is why I felt that legislation like this was necessary, because it would set up a guideline and a standard for a landlord to follow.

The only problem that I have encountered so far in the debate today, and I hope perhaps this is something that could be taken care of, was the impression I got listening to the gentleman from Bangor, that if, for example, a project deliberately sited to be housing for the elderly was built and had a vacancy and a family with children came along, they might be entitled to housing that project. Now, I don't know if this could be taken care of with an amendment at a later period, but that was something that did disturb me a little bit, because I think that is one area where the guideline would be weak. I wonder if that question can be addressed.

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

It is true, I would respond to the gentleman and my good friend, Mr. Spencer, that this is not the way to solve the housing problem. There is a need for more housing; there is a need for more programs, more incentives, all kinds of measures to expand the housing market to a point where the free market can take care of this kind of a problem, where people can have the resources and the opportunities to choose. What we face in this state right now is not an open market for housing on the view of the tenants, because there isn't enough decent housing to go around and people are forced to choose between some very undesirable alternatives. This is the nature of the problem that this bill is trying to deal with.

It is trying to say that people who do have families with children, which children sometimes need a little bit better atmosphere than maybe single adults, but it is crucial that they be given at least an equal chance to require housing.

In response to the point that people with a bad record of housing still can't make that stick when you rent again, that goes for older people, that goes for college students if you will or single individuals or anybody else. I don't think that is desirable nor do I think that the courts take such little view of that, I think they do and they should, definitely. But again, we shouldn't put families with children into a special category. We shouldn't say that they can be arbitrarily discriminated against and use that argument for other people.

If a house has an open stairwell or other dangerous situations in it, I would suggest that the housing inspector be notified, for one thing, but other than that, if in fact a housing unit is dangerous to small children, that is not an arbitrary discrimination against people renting that, that is a reason why you ought not to rent that unit to that particular family. In this same manner, this same law has provision that one ought not to discriminate against handicapped people. Now, what does that mean, you have to rent a third floor attic to people who are in wheelchairs? Of course not. What it says is that if the housing unit is reasonable to accommodate people's needs, then you ought not to discriminate. The same principle, I think, is what we are trying to get at in this respect.

Well, so much for the defense, I guess, although I think there may be some others.

I have been trying to say, trying to argue all morning, that the impact on the landlord, the property owner, are not going to be overwhelming. Yes, there are going to be some restrictions; I wouldn't deny that. Let's look at the other side just for a minute and try to get a bit serious about it, even though it is getting late and that is, people with families with children, especially with younger children, they are facing a terribly difficult choice in their housing market right now. Before the hearing and the last time I thought this bill would come up and it keeps getting moved around, I went through the newspapers and you can do it anytime you want and just check down the list of all those which say "No Children," "No Children," "No Pets and Children," "No Children and Pets" whatever way you want to look at it.

The options that people have to face right now are very very few. The open market for people with children is very very small, and when they are in that market and when they don't have very much money to buy rent, they are forced to take some pretty darn terrible situations. It is just a horrendous problem that they are facing. It is a real difficult situation and I can't express it as well as I should. I feel mad about it, but I can't really get up to being mad about it right now.

I certainly hope you don't vote to indefinitely postpone this bill, which I certainly don't consider foolish.

Mr. HENDERSON: Mr. Speaker and Members of the House: I would like to respond to the gentleman's question. I think all of the housing so organized in this state is federally financed housing, which comes under federal guidelines, which this could not affect.

The SPEAKER: The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that this Bill and all its

accompanying papers be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

Mr. Jalbert of Lewiston requested a roll call vote.

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

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

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentleman of the House: I don't want to prolong this debate any further than is necessary, but I really think it is important to speak on it briefly.

I think the debate that we have had this morning has raised a lot of interesting points, but I think that all the points that were presented for voting against this bill have been dealt with very adequately either by the gentleman from Bangor, Mr. Henderson, or the Representative from Portland Mr. Talbot. But the real issue, it seems to me, with this whole bill was presented by the gentleman from Woolwich, Mr. Leonard when he talked about the property rights of the landlords, because that is really the issue here, property rights as opposed to human rights and whether this state, by law, will continue to benefit or see that landlords and property owners have advantage and their advantage is in the way of profit at the expense of tenants in this particular case. That seems to me to be the real issue.

Housing discrimination and rental discrimination is one of the vilest, one of the worst kinds of discrimination that is practiced in this state and anywhere else in this country, whether it is because the person is Black or an Indian or because that person is a recipient of public assistance or because that person has a family with a large number of children. And it seems to me that if you look over the bill and the Representative from Skowhegan, Mr. Dam, put his finger on it when he spoke to the words "safely and comfortably" in the bill. This bill would not allow a landlord to not to rent to a family and then be charged with discrimination if that apartment were not found to be safe and comfortable both from the landlord's point of view and from the tenant's point of view. I just hope that you would all consider that when you vote for this bill.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I apologize, but my conscience just won't allow me to sit here any longer and say nothing. I am speaking for myself and I will be very brief.

I favor the intent of this legislation. The courts across the country have long recognized the need now of the social desirability of adequate housing to people in this era of rapid population increases and housing shortages.

To refuse to even consider renting to families with children when the dwelling is suitable for a family in all other ways, when refusal is based neither on the desirability of the tenant or the financial responsibility of the applicant is more than

unfair and unjust, in many cases it amounts to cruel and inhuman treatment.

The information on this bill distributed to us by the sponsor amply illustrates the suffering that ensues from the landlord policy based on a human condition or category and not on an individual or case by case evaluation.

We had another bill before us last week characterize as a Good Samaritan bill, I would call this the Golden Rule bill for landlords and I hope you vote against the indefinite postponement.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very, very brief. As we are coming into the home stretch I would like to just more or less relate to you that ten years ago when this body, not this particular body, but when the legislature passed a bill against discrimination in rental housing for Blacks, we heard discrimination used very, very mental.

I have been sitting in this body for the last three months and it seems to me, and I may be wrong, but on almost every bill that comes before this body somebody uses discrimination somewhere. It's discriminatory this way, it's discriminatory against this, it's a discriminatory tax, it's discriminatory to this, discriminatory to that. When we come to a bill such as this which deals with the discrimination against people, for our people in this state, we refuse to meet it head on.

This bill that is going to help people, like the gentleman from Portland, Mr. Connolly, said, property rights against human rights, we refuse to look at it. We refuse to look at this piece of legislation.

I sincerely hope that you don't go along with what I stated before when I got up, the fact that if you sincerely have something basically wrong with this bill that you in your own mind can say is basically and fundamentally wrong with this bill then vote against it. I would ask you and seriously ask you to consider voting for this piece of legislation because it is for the people of the State of Maine.

I have been out in that market and I am sure some of you others have been out in that market, and it is not an easy market. It is one of discrimination and one of prejudice. We can help eliminate that to some extent. It is not going to solve the entire problem, but to some extent this bill will benefit the people of this state. I will sit here in my seat and I will try to be quiet through most of the session, which I usually am. I have listened to all the rosy speeches about what we want to do for our people. Here is a chance for you to prove it; vote against indefinite postponement of this piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: It is not only the property right of the landlord but it is the human right of senior citizens, widows, widowers and others who wish to live as they wish.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: This bill on the surface sounds very humanitarian, but I wonder if due consideration has been given to its implications. It is popular for office seekers to campaign against the encroachment of government, which has crept over every aspect of our life. The

enormity of government is created by well-meaning legislation such as this.

There is an old story that says you can't kill a frog by dropping him in boiling water. He will react so quickly to the sudden heat that he jumps out of it before he is hurt, but if you put him in cold water, and heat it gradually he never decides to jump until it is too late by then he is cooked. Men are just as foolish. Take away their freedom overnight and you have got a violent revolution, but steal it from him gradually under the guise of security, peace, progress or civil rights and you can paralyze an entire generation. Human rights, who dares to vote against human rights, but where there are no property rights, there are also no human rights. The ownership of private property is a human right.

In the countries of this world today where there are no property rights, there are also no human rights. The only places where you have human rights are in those countries where the ownership of private property is held sacred. The drafters of the Constitution of both Maine and the United States took great pains to make reference to the preservation of private property. Sections 18, 19 and 20 of the Maine Constitution, in the third, fourth and fifth of the United States Constitution.

When this bill came up for debate, my seatmate shared with me a letter that he had from one of his constituents which stated that because they were unable to find a rent, they were forced to go out and buy a home. It brought to mind some remarks made by the great emancipator which said to the effect that, "not let him who is houseless tear down the house of another, but let him work diligently and build one for himself and let us be assured by example that it be safe from harm when built."

The SPEAKER: The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that the House indefinitely postpone this Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing" House Paper 273, L.D. 327, and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

(Mr. Faucher of Solon and Mr. Cooney of Sabattus were excused from voting.)

ROLL CALL

YEA — Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bowie, Burns, Byers, Call, Carpenter, Carroll, Carter, Churchill, Conners, Cote, Curran, R.; Curtis, Doak, Dow, Durgin, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gauthier, Gould, Gray, Greenlaw, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacLeod, Mahany, McBreaity, Mills, Miskavage, Morin, Morton, Nadeau, Norris, Perkins, T.; Peterson, P.; Pierce, Rideout, Rollins, Shute, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Wagner.

NAY — Albert, Bachrach, Blodgett, Boudreau, Bustin, Carey, Chonko, Clark, Connolly, Cox, Curran, P.; Dam, Davies, DeVane, Drigotas, Farley, Flanagan, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, MacEachern, Martin, R.; Maxwell,

McKernan, Mitchell, Mulkern, Najarian, Pelosi, Peterson, T.; Post, Powell, Raymond, Rolde, Saunders, Smith, Snow, Talbot, Tierney, Tyndale, Usher, Wilfong; Winship, The Speaker.

ABSENT — Dudley, Jacques, Littlefield, Mackel, Martin, A.; McMahon, Peakes, Quinn, Silverman, Webber.

Yes, 83; No, 56; Absent, 10.

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

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

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

Mr. Mulkern of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call 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 on the motion of the gentleman from Brewer, Mr. Norris, that the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Blodgett, Boudreau, Bustin, Carey, Chonko, Clark, Connolly, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Dow, Drigotas, Farley, Flanagan, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hobbins, Hughes, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, Martin, R.; McKernan, Mitchell, Mulkern, Najarian, Pelosi, Peterson, T.; Post, Powell, Rolde, Saunders, Talbot, Tierney, Tyndale, Wilfong.

NAY — Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bowie, Burns, Byers, Call, Carpenter, Carroll, Carter, Churchill, Conners, Cote, Curran, R.; Doak, Durgin, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gauthier, Gould, Gray, Greenlaw, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Maxwell, McBreaity, Mills, Miskavage, Morin, Morton, Nadeau, Norris, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rideout, Rollins, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Usher, Wagner, Walker, Winship, The Speaker.

ABSENT — Dudley, Ingegneri, Jacques, Littlefield, Mackel, Martin, A.; McMahon, Palmer, Peakes, Quinn, Silverman, Webber.

Yes, 49; No, 88; Absent 12.

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

Sent up for concurrence.

The Chair laid before the House the item of Unfinished Business:

Bill "An Act Relating to the Transfer of

Misdemeanor Proceedings without Trial to the Superior Court" (H. P. 1045) (L. D. 1111)

Tabled — March 24, by Mr. Hughes of Auburn.

Pending — Passage to be Engrossed.

Mr. Hughes of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-104) was read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker and Members of the House: A question. What does this change in the current law we have now, if anybody would answer?

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

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

Mr. HEWES: Mr. Speaker and Members of the House: Two years ago, the legislature changed the law which would allow an accused to have only one bite at the apple, so to speak. In other words, it would be tried just once, and if the person wanted a jury trial, he was entitled to it, with the result that many misdemeanors or smaller cases are now being appealed to the superior courts of the state and there is a log jam in superior court of criminal matters.

The intent of this bill is to change that and more or less go back to the system that existed prior to the passage of the change two years ago. Under the bill that we are voting on right now, L. D. 1111, a person may seasonably — the gentleman from Auburn, Mr. Hughes, has just offered House Amendment "A" (H-104) — which means that a person may seasonably request that the case be transferred to the superior court.

The intent of that is, a person accused presently under the law we passed two years ago tries to have his trial at the lower court when the law enforcement people or the witnesses for the state are not present. The case might be continued at the request of the accused two or three times. The police have to show up, bring their witnesses in each time, and then, finally, when the case is assigned for trial, after two or three continuances, then at that time the accused has been requesting an appeal to the superior court.

By this amendment that was just offered by the gentleman from Auburn, Mr. Hughes, the accused must seasonably which I assume is going to be interpreted to mean probably the first time around he is going to have to request the transfer to superior court if he wants. However, if he wants to take his chance in lower court, he can have his trial and appeal also, appeal to the superior court and have a second trial, as was the case before the changes of two years ago. In other words, in summary, L. D. 1111 permits an accused to have his trial in the district court, the lower court, and then appeal the lower court decision to the superior court. However, if he wishes to appeal, he must do so seasonably.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the fifth item of Unfinished Business:

Bill "An Act to Require That Motor Vehicles Registered in this State Carry Liability Insurance" (H. P. 1089) (Committee on Reference of Bills

suggested Committee on Judiciary)

Tabled — March 24, by Mr. Stubbs of Hallowell.

Pending — Reference.

On motion of Mr. Stubbs of Hallowell, referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

The Chair laid before the House the sixth item of Unfinished Business:

Bill "An Act to Regulate Business Practices Between Motor Vehicle Manufactureres, Distributors and Dealers" (H. P. 1137) (Committee on Reference of Bills suggested Committee on Business Legislation)

Tabled — March 24, by Mrs. Clark of Freeport.

Pending — Motion of Mr. Fraser of Mexico to refer to Committee on Transportation.

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

Mrs. CLARK: Mr. Speaker and Members of the House: As House Chairwoman of the Committee on Business Legislation, I would be derelict if I did not indicate to you that members of the Business Legislation Committee have reminded me repeatedly this morning that the title of this bill and the nature of this bill do appropriately belong to the Committee on Business Legislation.

Mr. Fraser of Mexico requested a vote on the pending motion.

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

Mr. LYNCH: Mr. Speaker, could I ask what the substance of the bill is?

The SPEAKER: The statement of fact reads, "The purpose of this act is to regulate business practices between motor vehicle manufacturers, distributors and dealers."

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

Mrs. CLARK: Mr. Speaker and Members of the House: I have spoken with the sponsor of this piece of legislation earlier in today's session, and he indicates, as the statement of fact obviously does not, that the thrust of this bill would be to require licensing of dealers in this automobile practice.

The SPEAKER: The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that this Bill be referred to the Committee on Transportation. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 26 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

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

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

Joint Order, Relative to Amendment of Joint Rule 3. (S. P. 361)

Tabled — March 24, by Mr. Rolde of York.

Pending — Passage.

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

Mr. ROLDE: Mr. Speaker and Members of the House: I move passage of this order, and I would just briefly refresh your memory as to what the order is. What it

does is just say that if a committee that the Legislative Council has given a study order to and they come in with their report and that report recommends legislation, they should introduce the legislation at the same time they transmit the report to the legislature.

Thereupon, the Order received passage in concurrence.

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

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

Tabled — March 24, by Mrs. Lewis of Auburn.

Pending — Passage to be Engrossed.

On motion of Mr. Gauthier of Sanford, retabled pending passage to be engrossed and specially assigned for Tuesday, April 1.

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

Bill "An Act Establishing the Civil Rights of Hemophiliacs" (H. P. 840) (L. D. 986)

Tabled — March 24, by Mrs. Kelley of Machias.

Pending — Passage to be Engrossed.

On motion of Mr. Smith of Dover-Foxcroft, retabled pending passage to be engrossed and specially assigned for Tuesday, April 1.

The Chair laid before the House the fourth 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 24, by Mr. Rolde of York.

Pending — Further Consideration.

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

The Chair laid before the House the fifth 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 24, by Mr. Farnham of Hampden.

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

Thereupon, on motion of Mr. Dam of Skowhegan, referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

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

Tabled — March 24, by Mr. Davies of Orono.

Pending — Passage to be Enacted.

On motion of Mr. Davies of Orono, retabled pending passage to be enacted and specially assigned for Tuesday, April 1.

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

Joint Order, Relative to Joint Select

Committee on Jobs Be Established (S. P. 391)

Tabled — March 25, by Mr. Rolde of York.

Pending — Passage.

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

Mr. ROLDE: Mr. Speaker, I now move passage of this order, and again I would briefly refresh your memories.

A few days ago, I introduced an order at the request of the Commissioner of Manpower Affairs, dealing with the study of the problem of unemployment in the state. However, at the same time a gentleman in the other body introduced an order establishing a joint select committee on jobs, and he has since conferred with the Commissioner of Manpower Affairs, who feels that his order would be better than the one I introduced, and I therefore move the passage of this order of the gentleman in the other body, because I think that this is the better way to deal with the problem or the study on this.

Thereupon, the Joint Order received passage in concurrence.

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

Bill "An Act Requiring Employers to Give Employees a Written Statement of the Reason for Termination of Employment (H. P. 1167) (Committee on Reference of Bills suggested Committee on Legal Affairs)

Tabled — March 25, by Mr. Snow of Falmouth.

Pending — Reference.

On motion of Mr. Tierney of Durham, referred to the Committee on Labor, ordered printed and sent up for concurrence.

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

House Report — "Leave to Withdraw" — Committee on Taxation on Bill "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax" (H. P. 183) (L. D. 232)

Tabled — March 25, by Mr. Carroll of Limerick.

Pending. — Acceptance of Committee Report.

Thereupon, the Report was accepted and sent up for concurrence.

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

Bill "An Act Relating to Dealers in Used Personal Property (H. P. 502) (L. D. 618) (H. "A" H-97) (H. "A" H-101)

Tabled — March 25, by Mr. Hobbins of Saco.

Pending — Motion of Mr. Stubbs of Hallowell to adopt House Amendment "A" (H-96) as amended by House Amendment "A" (S-101)

On motion of Mr. Hobbins of Saco, retabled pending the motion of Mr. Stubbs of Hallowell that House Amendment "A" as amended by House Amendment "A" thereto be adopted and tomorrow assigned.

Mr. Talbot of Portland was granted unanimous consent to address the House.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I won't take up too much of your time. I know it is getting late, but I would like to give you a few remarks for the record concerning something I think is very important, and that is the item that is on our notices this morning. There are wheelchairs available

in the Hall of Flags for all Legislators interested in participating in Physical Barriers Awareness Day.

They also passed out an Architectural Barriers Awareness Day, and they have a list of all those which they want you to try out while sitting in a wheelchair. I think they left one out, and that is getting into the House of Representatives. As some of you are aware, this morning I came into the House of Representatives, into this body, sitting in a wheelchair. That was to dramatize the entire program of awareness of architectural barriers. I was politely asked to leave, and I immediately thought, what if I had to sit in a wheelchair, what then would be the position of this House? Would I be asked to leave? I think by being asked to leave, it dramatized the entire program, and I wonder if the Speaker of the House would like to comment on that for the record.

The SPEAKER: The Chair would advise the gentleman that he asked him to leave because he felt it was not necessary for him to have a wheelchair. Obviously, if it had been, it would have been allowed.

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