

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Monday, April 1, 1975

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

Prayer by the Rev. Russell M. Chase of Monmouth.

The members stood at attention during the singing of the National Anthem by Representative Gauthier of Sanford.

The journal of the previous session was read and approved.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Authority of Bail Commissioners" (H. P. 263) (L. D. 310) reporting that the Committee recommends that the House recede from its action whereby it passed the Bill to be engrossed as amended by Committee Amendment A (H-61); recede from adoption of Committee Amendment A; indefinitely postpone Committee Amendment A; adopt Conference Committee Amendment A (H-111) submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment A (H-111); that the Senate recede and concur with the House and pass the Bill to be engrossed as amended by Conference Committee Amendment A.

Signed:

GAUTHIER of Sanford  
McMAHON of Kennebunk  
SILVERMAN of Calais

— of the House.

COLLINS of Knox  
ROBERTS of York  
CLIFFORD of Androscoggin

— of the Senate.

Report was read and accepted.

The House receded from passage to be engrossed and receded from adoption of Committee Amendment "A". Committee Amendment "A" was indefinitely postponed. Conference Committee Amendment "A" (H-111) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

**Papers from the Senate**

From the Senate: The following Communication:

THE SENATE OF MAINE  
AUGUSTA

March 27, 1975

Honorable Edwin H. Pert  
Clerk of the House  
107th Legislature  
Augusta, Maine  
Dear Mr. Pert:

The Senate voted to Insist and Join in a Committee of Conference on 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).

The President appointed the following members of the Senate to the Committee:

Senators:

CORSON of Somerset  
DANTON of York  
CIANCHETTE of Somerset

Respectfully

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate.

The Communication was read and placed on file.

The Speaker appointed the following Conferees on the part of the House:

MAXWELL of Jay  
FAUCHER of Solon  
FINEMORE of Bridgewater

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

**Reports of Committees**

**Ought Not to Pass**

Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Expand the Authority of Pharmacists to Dispense Drugs by their Generic Names" (S. P. 98) (L. D. 354)

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

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Exempting Solar or Wind Power Facilities from Sales Tax" (S. P. 56) (L. D. 125)

Report was signed by the following members:

Mr. MERRILL of Cumberland  
— of the Senate.

Messrs. DRIGOTAS of Auburn  
DAM of Skowhegan  
MULKERN of Portland  
TWITCHELL of Norway  
FINEMORE of Bridgewater  
IMMONEN of West Paris

— of the House.

Minority Report of same Committee reporting "Ought to Pass" in New Draft under same title (S. P. 402) (L. D. 1171)

Report was signed by the following members:

Messrs. AJACKSON of Cumberland  
WYMAN of Washington

— of the Senate.

Messrs. MAXWELL of Jay  
SUSI of Pittsfield  
MORTON of Farmington  
COX of Brewer

— of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-39).

In the House: Reports were read.

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

Mr. DRIGOTAS: Mr. Speaker, I move we accept the "Ought not to pass" Report.

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

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I supported the "Ought to pass" report on this bill, and I would like to explain a little as to my reasoning for it.

We are all well aware of the energy problems that we have throughout the nation now, and I think it is quite evident to us that in this session of the legislature we will be able to make only minimal movements towards any possible solutions to our energy problems, but here is one bill I believe is such a bill that we can support and at least encourage those who are trying to make an effort to meet our energy problems to continue in their efforts.

This would remove the sales tax on solar or wind power facilities sold here in the

State of Maine. This isn't a large effort being made, but there are those who are attempting to develop alternate energy sources, and I believe that we can, through passage of this bill, encourage those people with minimal costs to the state, and I hope that you would vote against the "ought not to pass" report so that we can adopt the "ought to pass" report.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, I was one who voted in the minority that this bill should pass.

I will second the remarks of the gentleman from Pittsfield, Mr. Susi, and I would also point out that this Senate Amendment that has been added makes the bill even more acceptable to me. One of the arguments that was given against the original bill was that it would chiefly benefit people who had camps and couldn't get power and these people could afford to pay the tax. With this amendment, it also exempts from the sales tax materials that are bought for research and development of alternative sources of energy, which should be even more conducive to the development of alternative sources of energy, and I would hope that the minority report would be accepted by this House.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: As you will notice, I signed the majority "ought not to pass" report, for the simple reason it is another tax loss. Someone speaking behind me is going to tell you in a few minutes that there is not a tax loss. But today, if you take electricity from the electricity company where we are paying a double tax on the fuel part tax of the electric light bill, you will find we are losing a tax.

It was also proven beyond a shadow of a doubt that a real big majority of the people using this would be out-of-state nonresidents who really should be helping our state in a tax rather than losing it. This is a piece of equipment that I believe will cost up into the \$3,000 class, \$2,500 or \$3,000. It seems to me that anyone that can buy \$2,500 or \$3,000 can afford to pay a tax. Also, you take someone who made one up themselves, which they do today, quite a few are making these windmills and using them, home made, these are all taxable, everything they use in them they are paying a tax on. Why should they be paying a tax to build one themselves and go to all the effort to do it and have someone come in from out of state that can afford it and pay \$2,500 to \$3,000? There is one class I have been told it would cost \$5,000, and it seems to me they could pay the tax.

We are in no position right now to lose any tax, although I know there will be some bills coming through with my name on them with tax exemptions, but we won't be accepting them in here, and I think at this time I will move for the indefinite postponement of this bill and all its accompanying papers.

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

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker has indicated by his remarks that those who are using solar and

wind-powered power sources are fooling with expensive play things, and I guess perhaps that is a fairly accurate charge at this stage of their development, but I think we should encourage these people, whoever they are and wherever they come from, to attempt to develop alternate energy sources. I doubt that this legislature has the capacity to appropriate state funds for this purpose, but if there are individuals who would like to do this research for us, I believe they should be encouraged. There is a minimal cost to the state in loss of revenue, and I just hope that you will vote against the indefinite postponement so that we can move and support the "ought to pass" on this bill.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I certainly echo the sentiments of the gentleman from Pittsfield, Mr. Susi, and would point out to you that as far as I know, at least as far as the Taxation Committee is concerned, this is the only bill that has anything to do with implementing or attempting to in any way proceed with solar and wind powered energy resources, and it seems to me, as little as it is, that we ought to do everything that we can to encourage this sort of development.

I hope you will not vote to indefinitely postpone the bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the signers of the "ought not to pass" report on this bill, and I would like to state very briefly my reason. I think the gentleman from Bridgewater, Mr. Finemore, went over it quite well when he said this was only for out-of-state people, and this was my objection on the committee, that the people in Maine would not be using wind power to generate power for themselves because it was too expensive a thing to use, and all this would benefit would be out-of-state people who have camps way up in the wilderness and they could afford this money. It is my feeling that any time these people want to have electricity in their camp, they also can afford to pay the 5 percent sales tax.

I do not see anything in here where it is going to create a rash movement or a movement across the state for everyone to get into wind power or solar power. I think all this does is benefit the few fat cats that are coming in from out of the state that want power in their camps. The other thing is, we were told at the Taxation Committee meeting that this could run into a possible loss of revenue of \$37,000 to the state. I think when we get into this kind of business, if we really want to do something in the research area for solar or wind power, then maybe a bill should come out specifically spelling out in the research field and not for the benefit of a few people, such as this bill would be.

I hope today you will go along with the motion of the gentleman from Bridgewater, Mr. Finemore, on the indefinite postponement.

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

Mr. DOAK: Mr. Speaker, I would like to pose a question through the Chair. My question would be, is there any research being carried on by the University of Maine that is tax supported by this state? Is there any research being carried on by that university now in this respect, in this field?

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

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

Mr. DAVIES: Mr. Speaker and Members of the House: The University is carrying on some research on both solar and wind-generated energy. It is not too extensive right now, but they are in the process of applying for some grants to further the study in both these fields.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: There has been a statement made here to the effect that there would be a loss of revenue. Well, neither one of these bills, the original bill of L. D. 125 or this new one of L. D. 1171 has a fiscal note on it. According to Rule 12, every bill or resolve effecting a loss of revenue or requiring an appropriation shall be accompanied by a written statement as to the amount involved. Therefore, neither one of these has them on, so I think this is more reason why we should indefinitely postpone this bill.

There has been a lot of discussion on this in our committee, and I can see the point of the gentleman who signed the "ought to pass" report, but at the same time, with everything taken into consideration, and there is bound to be a loss of revenue, this bill ought to be indefinitely postponed.

Thereupon, Mr. Higgins of Scarborough 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 Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Pittsfield, Mr. Susi. The question is, and I haven't decided how I am going to vote on this bill, is how he rationalizes granting a sales tax exemption on this issue when we have people in Maine who must continue to pay sales taxes on such things as heating fuel, electricity and the very water they drink?

The SPEAKER: The gentleman from Durham, Mr. Tierney, poses a question through the Chair to the gentleman from Pittsfield, Mr. Susi, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. SUSI: Mr. Speaker and Members of the House: That is a very difficult question to answer. I surely would feel badly if I were charged with the responsibility of standing here and defending all our tax laws. It is an impossibility. I think I had better quit or I will just get in deeper and deeper.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that this Bill and all its accompanying papers be indefinitely postponed. A roll call has been ordered. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Albert, Bagley, Berry, G. W.; Berry, P.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Call, Carey, Carpenter,

Carroll, Carter, Chonko, Clark, Connors, Connolly, Cooney, Cote, Curran, P.; Curran, R.; Dam, Davies, DeVane, Doak, Drigotas, Durgin, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, K.; Gray, Hobbins, Hunter, Hutchings, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Kennedy, Lavery, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Martin, Martin, R.; McBreairty, McMahon, Mills, Miskavage, Nadeau, Najarian, Pelosi, Peterson, T.; Powell, Raymond, Rideout, Rollins, Snow, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Twitchell, Tyndale, Usher, Walker, Wilfong, The Speaker.

NAY — Ault, Bachrach, Bennett, Binnette, Blodgett, Byers, Churchill, Cox, Curtis, Dow, Dudley, Dyer, Farley, Fraser, Goodwin, H.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kany, Laffin, Leonard, Lewis, Mackel, MacLeod, Mahany, Maxwell, McKernan, Mitchell, Morin, Morton, Norris, Palmer, Peakes, Perkins, T.; Peterson, P.; Pierce, Quinn, Rolde, Saunders, Shute, Smith, Snow, Spencer, Susi, Torrey, Tozier, Truman, Wagner, Webber, Winship.

ABSENT — Hinds, Hughes, LaPointe, LeBlanc, Mulkern, Perkins, S.; Post, Silverman.

Yes, 84; No, 59; Absent, 8.

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

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

Mr. FINEMORE: Mr. Speaker, I now move we reconsider our action whereby we voted to indefinitely postpone L. D. 1171, and I hope you will vote against me.

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

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

Sent up for concurrence.

#### Non-Concurrent Matter

Bill "An Act to Remove Certain Provisions in the Motor Vehicle Statutes Concerning Unnecessary Tire and Brake Noises" (S. P. 100) (L. D. 378) on which the Minority "Ought Not to Pass" Report was accepted in the House on March 26.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed and asking for a Committee of Conference.

In the House:

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I move we insist and join a Committee of Conference.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the House join in a Committee of Conference.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: This was well debated last week. I hope you stick to what we debated on last week where we had quite a vote in favor of not accepting this bill.

I would like to have the yeas and nays please.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House insist and join in a Committee of Conference on Bill "An Act to Remove Certain Provisions in the Motor Vehicle Statutes Concerning Unnecessary Tire and Brake Noises," Senate Paper 100, L. D. 378. All in favor of that motion will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Albert, Ault, Bachrach, Bagley, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bustin, Byers, Carpenter, Chonko, Churchill, Clark, Connors, Cote, Cox, Curran, P.; Curtis, Doak, Dow, Dudley, Durgin, Dyer, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hunter, Hutchings, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Mitchell, Morin, Morton, Najarian, Norris, Palmer, Peakes, Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Tierney, Torrey, Twitchell, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Bennett, Berry, G. W.; Binnette, Bowie, Burns, Call, Carey, Carroll, Carter, Cooney, Curran, R.; Dam, DeVane, Drigotas, Gauthier, Immonen, Kauffman, Laffin, Laverty, Littlefield, Martin, A.; Miskavage, Nadeau, Pelosi, Peterson, P.; Raymond, Shute, Theriault, Truman, Tyndale, Usher.

ABSENT — Connolly, Davies, Farley, Farnham, Faucher, Garsoe, Hinds, Hughes, LaPointe, LeBlanc, Mulkern, Perkins, S.; Silverman, Tozier.

Yes, 106; No, 31; Absent, 14.

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

**Non-Concurrent Matter**

Bill "An Act Relating to the Use of Colored Lights on Certain Fire and Emergency Vehicles" (H. P. 411) (L. D. 499) which was passed to be engrossed as amended by House Amendment "A" (H-63) in the House on March 13.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House: On motion of Mrs. Post of Owls Head, 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:

**Labor**

Bill "An Act Relating to Negotiated

Salaries for Teachers" (H. P. 1242) (Presented by Mr. Finemore of Bridgewater)

Committee on Reference of Bills suggested the Committee on Education.

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

**Legal Affairs**

Bill "An Act Relating to Public Rest Room Facilities in Shopping Centers" (H. P. 1241) (Presented by Mr. Birt of East Millinocket)

Bill "An Act to Change the Status of the Maine Municipal Association" (H. P. 1245) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)  
Sent up for concurrence.

**Local and County Government**

Bill "An Act to Authorize the Treasurer and County Commissioners of Hancock County to Build a Detention Center and District Court" (H. P. 1243) (Presented by Mr. Greenlaw of Stonington) (Cosponsors: Mr. Perkins of Blue Hill, Mr. MacLeod of Bar Harbor, Mr. DeVane of Ellsworth)

(Ordered Printed)  
Sent up for concurrence.

**Marine Resources**

Bill "An Act to Manage, Regulate and Conserve the Lobster and Crab Fishery" (H. P. 1239) (Presented by Mr. Jackson of Yarmouth) (Cosponsor: Mr. Greenlaw of Stonington)

(Ordered Printed)  
Sent up for concurrence.

**Public Utilities**

Bill "An Act to Establish the Department of Electric Works Within the Town of Madison" (Emergency) (H. P. 1240) (Presented by Mrs. Berry of Madison)

(Ordered Printed)  
Sent up for concurrence.

**Taxation**

Bill "An Act to Exempt Lobster Fishing Boat Operators from Withholding State Income Taxes from Sternmen's Share of Proceeds" (H. P. 1246) (Presented by Mr. Greenlaw of Stonington) (Cosponsors: Mr. Jackson of Yarmouth, Mr. Perkins of Blue Hill, Mrs. Post of Owls Head)

(Ordered Printed)  
Sent up for concurrence.

**Transportation**

Bill "An Act to Remove the Requirement that Municipalities Composing a Transit District be Contiguous and to Authorize Municipal Transit Districts to Provide Transportation Service Outside of District Boundaries" (H. P. 1244) (Presented by Mr. Spencer of Standish) (Cosponsors: Mrs. Najarian of Portland, Mrs. Tarr of Bridgton, Mr. Garsoe of Cumberland)

(Ordered Printed)  
Sent up for concurrence.

**Orders**

On motion of Mr. Binnett of Old Town, it was

ORDERED, that Thomas LaPointe of Portland be excused for the week of April 1 for personal reasons.

**House Reports of Committees Ought Not to Pass**

Mr. Wagner from the Committee on State Government on Resolution,

Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature (H. P. 197) (L. D. 241) reporting "Ought Not to Pass"

Mr. Cooney from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Provide that all Judicial Officers be Elected by the Voting Electorate (H. P. 717) (L. D. 893) reporting same.

Mr. Pelosi from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Provide for a Legislative Council (H. P. 742) (L. D. 914) reporting same.

Mr. Carpenter from the Committee on State Government on Resolve, Authorizing the Director of the Bureau of Forestry to Convey by Sale the Interest of the State in Certain Land in Piscataquis County (H. P. 754) (L. D. 974) reporting same.

Mr. Berry from the Committee on Agriculture on Bill "An Act Relating to the Maine Milk Commission" (H. P. 519) (L. D. 636) reporting same.

Mr. Kelleher from the Committee on Public Utilities on Bill "An Act Relating to Telephone Company Service by New England Telephone and Telegraph Company and Continental Telephone Company of Maine in the City of Old Town, Maine" (H. P. 657) (L. D. 811) reporting same.

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

**Leave to Withdraw**

Mr. Dudley from the Committee on Legal Affairs on Bill "An Act to Require Fire Detection Systems in All New Residential Construction" (H. P. 95) (L. D. 114) reporting Leave to Withdraw

Mr. Rolde from the Committee on Public Lands on Bill "An Act to Authorize the Board of Environmental Protection to Issue Licenses Permits or Approvals for Projects Involving Submerged Lands" (H. P. 465) (L. D. 567) reporting same.

Mr. Mills from the Committee on Fisheries and Wildlife on Bill "An Act to Require Metal Registration Plates for Snowmobiles" (H. P. 726) (L. D. 901) reporting same.

Mr. Mills from the Committee on Fisheries and Wildlife on Bill "An Act to Increase the Fees for Fishing Licenses Issued to Nonresidents" (H. P. 761) (L. D. 935) reporting same.

Mr. Mills from the Committee on Fisheries and Wildlife on Bill "An Act to Establish Beaver, Coyote and Otter as Endangered Species" (H. P. 767) (L. D. 938) reporting same.

Reports were read and accepted and sent up for concurrence.

**Referred to Committee on Public Utilities**

Mr. Faucher from the Committee on Legal Affairs on Bill "An Act Relating to Ogunquit Village Corporation and the Ogunquit Sewer District" (H. P. 879) (L. D. 1053) reporting that it be referred to the Committee on Public Utilities.

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

**Ought to Pass in New Draft New Drafts Printed**

Mr. Farnham from the Committee on State Government on Bill "An Act to Reorganize the State Personnel Board" (Emergency) (H. P. 370) (L. D. 464) reporting same in New Draft (H. P. 1238)

(L. D. 1264) under same title and that it "Ought to Pass"

Mrs. Berry from the Committee on Transportation on Bill "An Act Relating to Expenditures of the Town Road Improvement Fund" (H. P. 443) (L. D. 548) reporting same in New Draft (H. P. 1247) (L. D. 1266) under same title and that it "Ought to Pass"

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

#### Divided Report

Majority Report of the Committee on Veterans and Retirement on Bill "An Act Relating to Definition of Out-of-State Service Under State Retirement System" (H. P. 73) (L. D. 85) reporting "Ought to Pass"

Report was signed by the following members:

Messrs. O'LEARY of Oxford  
CLIFFORD of Androscoggin  
COLLINS of Knox

— of the Senate.

Messrs. POWELL of Wallagrass Pl.  
NADEAU of Sanford  
LEONARD of Woolwich  
MacEACHERN of Lincoln  
THERIAULT of Rumford  
MORTON of Farmington  
CURTIS of Rockland

Mrs. LAVERTY of Millinocket  
Mrs. KELLEY of Machias

— of the House.

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

Report was signed by the following member:

Mr. USHER of Westbrook

— of the House.

Reports were read.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: I move that the Majority Report of the Committee on Veterans and Retirement be accepted.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I rise to a point of order in regards to item 15. It is my understanding that this could have a financial impact on the State Retirement Fund to the amount of some \$1,700 per year per individual that would be brought under this in new coverage and I would request that a fiscal note accompany this piece of legislation before we take final action on it.

The SPEAKER: The Chair would answer that the note will have to be inserted at second reading.

Thereupon, on motion of Mr. Theriault of Rumford, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Veterans and Retirement on Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Bertha Cargill Rogers (Emergency) (H. P. 379) (L. D. 472) reporting "Ought Not to Pass"

Report was signed by the following members:

Messrs. O'LEARY of Oxford  
CLIFFORD of Androscoggin  
COLLINS of Knox

— of the Senate.

Mrs. KELLEY of Machias  
Mrs. LAVERTY of Millinocket  
Messrs. MacEACHERN of Lincoln  
THERIAULT of Rumford  
MORTON of Farmington  
LEONARD of Woolwich  
NADEAU of Sanford  
POWELL of Wallagrass Pl.

— of the House.

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

Report was signed by the following members:

Messrs. USHER of Westbrook  
CURTIS of Rockland

— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Rumford, Mr. Theriault, moves that the House accept the Majority "Ought not to Pass" Report.

The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: April Fool's Day is not a very promising one to oppose the 12 to 2 committee report, but I feel that I must rise to defend Mrs. Rogers and ask that you not accept the Majority Report.

Mrs. Rogers worked from 1932 to 1941 at the Augusta Mental Health Institute. She worked prior to the establishment of the Maine State Retirement Fund. She did not contribute to the fund. You might legitimately ask, why should someone who never contributed to the fund receive a pension? I asked the same question until I did a little homework. Then I found there is an annual parade of teachers presented to the legislative sessions whereby teachers who never worked after 42 who did not contribute to the fund receive pensions at this point.

I can give you a specific example. The 106th session of the Legislature awarded 39 teachers, who did not contribute to the retirement fund, approximately \$25,000 — now that is annually, this comes back each year, \$25,000. The special session found 21 more teachers to the tune of \$25,000 annually. There seems to be a great inequity when certain employees of the state are entitled to pension benefits of this type.

When I asked members of the Retirement Committee and other people who are knowledgeable in the awarding of these pensions why teachers receive special treatment the answer I received invariably was that the teachers have a very strong lobby. Mrs. Rogers does not have a lobby; she has one Representative and as her representative I ask you to join me in opposing this majority report.

Mr. Speaker, I ask for a division.

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has requested a division.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: Mrs. Mitchell is correct to a certain extent. There are many people who were given this privilege in the past, but during the 106th we had to come to a decision of some sort where we would have to stop these sort of resolves or bills because we are feeling that it is unfair in most cases. So we decided to send this

out of committee "ought not to pass".

There is a price tag to this one which is \$13,683.48 which would have to come out of the general funds. We felt at this time we just couldn't afford to take this up. We have to be hardhearted about these things. I realize that most of these people are deserving of it, but we feel also that people who worked for the state 30 or 40 years ago shouldn't require the state to help them in their retirement.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I served on the Retirement Committee in the last session of the legislature. Mrs. Mitchell is right, there are many many resolves that come before the Retirement Committee. Some of these resolves seem to make it and some don't.

When you talk of a price tag of \$13,000, maybe that is \$13,000 and maybe it isn't. What the \$13,000 is is an actuarial figure. Now, that is presuming that Mrs. Rogers is going to live x-number of years. Now, if she doesn't live x-number of years, then the \$13,000 could very easily be \$600 or \$700.

I hope that you will support the gentle lady from Vassalboro because I think Mrs. Rogers is one of the people that does deserve consideration.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I want to explain my motion of "ought not to pass" on this is a mistake.

You hear much today all the way from the Governor down about assisting our elderly citizens. Here is one who worked faithfully for ten years for the State of Maine up until 1941, and I don't think it would seriously deplete the retirement fund if we should grant this today.

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that the House accept the Majority "Ought Not to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Nadeau of Sanford 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 Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I hate to get up and oppose the good gentlewoman from Vassalboro, Mrs. Mitchell but 10 years at \$100, that would be \$12,000. I saw Mrs. Rogers at the committee hearing and she is a sweet little lady, but I feel that if she is granted this money, how many more people will also be involved and how much is this going to cost the state?

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

Mr. THERIAULT: Mr. Speaker and Members of the House: This is the point that I should have taken out when I discussed this before. The point is that since the last session of the legislature, there has been a drop in the number of requests for this kind of a resolve and we

feel that if this one goes through that we can expect many more of them in the next session of the legislature.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: Sitting here listening to this debate, I don't usually agree with my colleague, Mrs. Mitchell, and I will oppose her bitterly on another bill coming up, but how can we quibble over \$100 for an elderly person of this state when this state throws away more money foolishly?

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think it would be wise to look not only at this particular bill but all the other bills that are coming through that are concerned with the retirement. This is not significant, but you total them all up and you really have a prize package.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I am on the Veterans and Retirement Committee and I certainly hate to sign many bills "ought not to pass," for example, this one. It is a committee where your heart starts to shrink I guess and you have to look at the financial implications of any bill regardless of who it might help.

On this particular item, it has been pointed out to us that certainly this item by itself won't jeopardize the State Retirement System but if you take many and put them together and pass them in this House, and there are many that will appeal to you very much like this one does, then there is a serious problem, that you can jeopardize your fund because your fund is limited or it is pretty much funded by the deductions from state employees and from teachers.

The only way you can fund this type of expenditure is by taking state revenues, revenues from other taxes or from other sources and putting it in against the Retirement System or the General Fund on Retirement. What happens is, you can seriously jeopardize the fund that other people are putting money into, and that is a shame because the fund didn't exist, the program didn't exist back then. There are other people looking at this legislation and feeling that maybe they are entitled to it and they will come through and ask for the same. I don't like to live and be haunted by what has happened in the 106th. I wasn't here in the 106th and I can't say how I would have voted then, but right now we have a crisis. We don't have very much money and we just can't afford to be as benevolent as we have been in the past.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I quite often am haunted by what happened in the 106th and probably not so often over these type of resolves. There seem to be a few other biggies that haunt me a little more than these.

I think if you sit on the Retirement Committee there is no question, you will see many, many of these. I was there until I got sick and napping one year. I can recall one morning, I believe, when we killed about 25 of these things on the committee. While we were doing that, we approved one of them, and here it is. We

did that because some people deserve some kind of consideration, some don't. Now, Bertha Rogers is one of these exceptions. This particular one that I have an engrossed copy of went through the House, went through the Senate and was funded. This particular one granted a minimum pension for Barbara Goodwin. Some of the members that served on the Retirement Committee with me at that time may well remember that. The only reason that I am standing here today is because I think that when a person is deserving of something they ought to get it.

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

Mr. DOW: Mr. Speaker and Members of the House: I too served on this committee in the 105th Legislature and we gave a lot of this money to a lot of different people, the ones that deserved it. In this particular case, I understand we should be giving it. I would rather it come this way than I would through welfare. I hope that we pass it this morning.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Do the people in here realize just what this lady was working for prior to 1941 for 10 years, probably eight, ten or twelve dollars a week. Most of us standing here today are looking for retirement from the state of \$100 a month. Back in 1953 when I came here I got \$850 a year, with no expenses, so I won't feel bad about taking the \$100 when I get so I can take it.

I think this morning we would be doing a very unjust thing if we turned this down and didn't give this woman a hundred dollars, because probably in those 10 years she didn't earn \$5,000, so she had to go back and pick up her first years, the same as a lot are doing. I have done it. I went back and picked up two years. There are people working for the State Highway Commission who are going back and picking up prior service. I think we would be very unjust if we didn't give this woman this this morning.

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

Mrs. LEWIS: Mr. Speaker, I would like to ask a question. Is this general policy to take money from the general fund and put it into the state retirement fund? If I can go on with my question, I notice in the bill that the sum of \$13,000 — plus is taken from the general fund and put into the retirement fund. Somebody did mention that it possibly would be just a couple of hundred dollars, depending upon how long the lady lived to collect this. But there is \$13,000 put into the retirement fund, so I wonder if somebody could explain that.

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

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

Mr. THERIAULT: Mr. Speaker and Members of the House: This \$13,000 would come from the general fund because this is a resolve, and any resolve that has any money tied to it, as far as the Retirement System is concerned, it has to come from the general fund. The reason why it is \$13,000, the actuary who makes the survey of the cost of any one item has to go by the age of the person and the insurance

statistics of how long she is going to live, actually. That is the only thing they can do. They can't go under the assumption that she is only going to live a year or two or only six months. They have to assume that she is going to live much longer than that, and that is where they base their \$13,000.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I certainly would like to endorse what Mr. Theriault has just said. All of these bills should have a price tag on them and paid in the year in which the grant is given. Past legislatures have been very generous in awarding benefits to former state employees, and if you would look at the unfunded reserve which the state is actually going to have to pay, it now is approximately \$475 million.

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

Mr. DEVANE: Mr. Speaker and Members of the House: I rise to support Mrs. Mitchell, because her judgment is as sound as her heart is large.

I would also like to say that when the Chairman of the Education Committee of this legislature recognizes a prize package and then speaks of it as legislative generosity, we ought to consider that in all its aspects.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that the House accept the Majority "Ought not to pass" Report on Resolve Providing a Minimum Service Retirement Allowance under the State Retirement Law for Bertha Cargill Rogers, House Paper 379, L. D. 472. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Birt, Burns, Doak, Fraser, Hewes, Hutchings, Kelley, Lavery, Leonard, Lizotte, Lynch, MacEachern, Mackel, MacLeod, Morton, Nadeau, Palmer, Perkins, T.; Pierce, Powell, Quinn, Raymond, Snow, Teague, Theriault, Tozier, Truman, Twitchell.

NAY — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Binnette, Blodgett, Boudreau, Bowie, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hobbins, Hunter, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, Laffin, Lewin, Lewis, Littlefield, Lovell, Lunt, Mahany, Martin, A.; Martin, R.; Maxwell, McBairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Najarian, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Post, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Tierney, Torrey, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

ABSENT — Gauthier, Hinds, Hughes, LaPointe, LeBlanc, Mulkern, Perkins, S.; Silverman.

Yes, 29; No, 114; Absent, 8.

The SPEAKER: Twenty-nine having voted in the affirmative and one hundred

fourteen in the negative, with eight being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Resolve read once and assigned for second reading tomorrow.

#### Consent Calendar First Day

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

Bill "An Act to Amend the Charter of the Van Buren Light and Power District" (Emergency) — Committee on Public Utilities reporting "Ought to Pass" (H. P. 740) (L. D. 921)

Bill "An Act Relating to Subsidized Adoptions" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-109) (H. P. 203) (L. D. 248)

Bill "An Act Creating Uniform Standards for Disqualification of Applicants with Prior Criminal Convictions for a License or Permit to Practice a Trade or Occupation Regulated by the State" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-110) (H. P. 330) (L. D. 402)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 2, under listing of the Second Day.

#### Consent Calendar Second Day

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

Bill "An Act to Increase the Maximum Permitted Compensation of Directors of School Administrative Districts" (H. P. 570) (L. D. 706)

Bill "An Act to Create a Non-geographic School Administrative Unit for the Bureau of Corrections" (H. P. 645) (L. D. 797)

Bill "An Act Providing Funds for Payment to Residential Schools as an Alternative to Incarceration of Juvenile Offenders" (H. P. 655) (L. D. 809)

Bill "An Act Relating to the Borrowing Capacity of School Administrative District No. 43" (Emergency) (H. P. 755) (L. D. 925)

Bill "An Act to Repeal the Requirements that Assessors Conduct Annual Inventories of Births, Beekeepers and Dogs" (C. "A" S-37) (S. P. 87) (L. D. 258)

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

#### Passed to Be Engrossed

Bill "An Act to Increase the Fee for Registration of Teachers" (H. P. 781) (L. D. 952)

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 Creating the Newport Water District (S. P. 194) (L. D. 661)

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. 121 voted in

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

#### Emergency Measure

An Act Authorizing the Department of Environmental Protection to License Privately-owned Septic Waste Disposal Sites (H. P. 154) (L. D. 209)

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that we discussed the other day, and I gave you some of the background as to why I sponsored it and the various amendments on it.

To refresh your memory briefly, this bill was basically put in because the septic tank pumpers of the state are having trouble finding sites in which to dump their waste. They are having this trouble because of an interpretation by the Attorney General's Office that the bill we passed in the last legislature to have these sites inspected by the DEP and to require municipalities to have a site actually means that there can only be one site in a community, and that site must be provided by the municipality.

What has happened, many municipalities have refused to act and to provide sites. Therefore, the DEP and the septic tank pumpers felt it was imperative that a bill be passed to allow the licensing of private sites. There was no real quarrel over this. An amendment was added in the committee to give the municipalities the power of review over such sites. Again, there was no quarrel over this. The quarrel that has arisen came about due to the fact that the DEP, during this interim period, did allow some 17 sites to be licensed, and whether this happened before or after the Attorney General's ruling, I am not sure.

The major problem in this regard seems to be in Skowhegan. The gentleman from Skowhegan, Mr. Dam, introduced an amendment that would have allowed Skowhegan to terminate a licensed site already in existence. I supported the gentleman from Skowhegan and we adopted that amendment in this body. In the other body, a different amendment was adopted. The second amendment would not have made it so certain that Skowhegan could terminate the licensed site about which Mr. Dam has complained. Although I continued to support the gentleman from Skowhegan, we receded and concurred with the other body the other day.

Today the bill is before us for enactment. I am well aware of the disappointment of the gentleman from Skowhegan, and I know he may well move to kill this entire bill, and since the bill is an emergency, he may well succeed. I believe this would be most unfortunate. The bill is an emergency because the basic bill is badly needed. I was willing to make a number of compromises along the way, simply because the septic tank pumpers need this bill so badly. In one of the communities I represent, the only septic tank pumper has been driven out of business because the municipal sewerage treatment plant decided it did not want to handle septic tank waste any longer, so they put an exorbitant price on this service. They would have had no objection to the local pumper using his own private site if it

could have been done, but it couldn't be because the law had to be changed.

I realize that the gentleman from Skowhegan, Mr. Dam, has a genuine grievance that has not been fully satisfied, but I would hope that he would see the statewide need for this entire bill and that perhaps the Skowhegan situation can be taken care of in another fashion without killing this entire bill. I therefore hope you will support the enactment of this bill as an emergency measure.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat confused now, since the good gentleman from York, Mr. Rolde, has got done making his little speech.

I can remember back about eight years ago in my area when the school for mental retardation put on a public get-together to raise money and we invited the good ESP man, Mr. Tanous, to appear so we could raise money. I am sorry that I did not know at that time that Mr. Rolde was in that business too. However, I can assure him that if he thinks he is in the mind reading business, he has read my mind wrong this morning.

I am never disappointed when I lose a bill. As I have told many people here, I hold no personal feelings. My philosophy is, you win a few and you lose a few. When people speak of disappointment, evidently, they are looking into the mirror of their own lives. I don't think there is anybody down here in their right mind that is expected to come down and serve and win every issue. I don't think going through life that you are going to win every issue. You win a few and you lose a few.

Again, the good gentleman from York, Mr. Rolde, mentioned the town of Skowhegan. It is not only the town of Skowhegan. There are 17 licensed sites, and if my town encompassed the area of those 17 sites, we wouldn't be a town, we most probably would be the largest city in the State of Maine.

I have no intention of moving for the indefinite postponement of this bill. It is a little better than what we had previously. I still do not like the idea of any state department coming in and overruling a municipality. Every day I pick up the newspapers and I read where the small towns are banding together and wanting their rights preserved. I sympathize with those towns, and I agree with them, and until we stop this growing bureaucracy here in Augusta, which the Governor has referred to as a cancer, and that is what it is on the taxpayers, we are going to have increased budgets one biennium after another. These services should be restored to the towns. They should have the right to approve or reject and no one sitting down here in Augusta behind a desk should have the right to go into any municipality in this state and override those municipal officers when they object to something that is reasonable and decent.

I am not asking today for anyone to deny the 101 votes that are necessary for the passage of this bill. I will not vote for it, and I don't intend to. I don't intend to ever sit in this House or stand on this floor and support anything that takes away the rights of the municipality. I just happen to believe that the people, whether they reside in Skowhegan, Carratunk, West Forks or the smallest town in the southern section of Maine knows just as well and just as much of what they are doing and has just as much intelligence as any



member of this body or the other unmentionable body at the other end of the hall.

And it surprises me too when people can change from being an anti industry, anti state and anti state department person and then have a marriage with that department. It causes me to wonder what is going on.

I am not going to debate this any more. I thank you for the time you have given to me previously and I thank you for this time.

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

A vote of the House was taken.

Thereupon, Mr. Rolde of York 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 Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I speak at this time, as House Chairman of the Natural Resources Committee, and I think one impression that I think may be a little misleading that the gentleman from Skowhegan may have left you with is that the Department of Environmental Protection will be able to run rough shod over the municipalities. The existing law, as it came before the Natural Resources Committee, was to allow DEP to license privately-owned sites. We insisted that there be municipal review and there will be municipal review before DEP is allowed to license another site in the state. They must have municipal approval. If a municipality disapproves of a site, it will not come into existence.

The reason that there are 17 sites in existence today, privately-owned sites, was because of the misinterpretation of the law, and no one will come down harder on DEP than myself, I think they were wrong. The A. G. wrote an opinion and said they could not license privately-owned sites, but they had already licensed 17 sites. There are 17 individuals, 17 communities, people who were depending upon these licenses; these permits are valid. We do provide municipal review of these existing licenses, and if they find that they are a health or safety hazard, so they can revoke or inform DEP and DEP will revoke the licenses.

So there is municipal review. DEP is not authorized in any way to override a municipality's approval or disapproval, and if a municipality provides its own site, it does not have to provide any additional sites as the law is written now.

If you want the person that has septic tank problems to pay less, then you had better vote for this bill because this is what it means. Right now people are trucking stuff from your community 30 or 40 miles outside your community to another site, and this all costs money. So what we want to do is be able to locate other sites in

communities so that there won't be these large trucking charges. And believe me, these charges are very very expensive, to truck this septic tank waste 30 or 40 miles, and this is what they have to do in the City of Portland.

Just one example. I have a sewerage system but there are a number of privately-owned septic tanks, disposal systems, and these people need them pumped out, but there is no site in Portland and they have to haul it 30 or 40 miles. I am sure Portland isn't unique; I am sure it happens in other communities. So I wish you would support this. This in no way gives a bureaucrat or bureaucracy any more power than they had before. In fact, it gives them less. So I wish that you would support the bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Right now I am going to apologize because for the six years I have been here this is the first time that I am going to do what I am about to do now, and that is to speak after a roll call has been ordered. I have objected to it continuously and I still object to it. However, I feel I must in this instance.

I will make it very brief. The good gentleman from Windham, Mr. Peterson, says that if a municipality already provides a site, there is nothing that requires them to provide an additional site. This is not true. The good gentleman from Windham, Mr. Peterson, refers to the cities. If the cities have a problem, then I say, write a bill specifically for the cities. Don't penalize the small towns for the sake of the cities. This now is almost like a city vs. a town issue.

The other thing that Mr. Peterson says, and this will be the last, is that the towns have protection written in here when they say "health or hazard." Well I want to say one thing, I want it in the record, that when a town has to defend an act in court against a state agency, that is taxpayers' money that has to hire the town attorney. They are fighting DEP. DEP will send from their department an attorney general into the town and the town raises the money to fight it. Many of your towns won't do this; they will accept it the way it is because the bureaucracy in Augusta, the Great White Father, DEP, wants it that way and they don't feel they can afford to spend the money to fight it. I say this is not fair, it is not reasonable, when you ask the taxpayers of the small towns to raise money to employ a town lawyer to fight against their own money, which is paying the assistant attorney general in the Department of Environmental Protection.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind the members of the House that I represent two small towns and again, as I tried to explain the situation, in one of the towns; a part of which I represent, this was a situation where the town would have welcomed the existence of a private site where these septic tanks could have been dumped. But because of the interpretation of the law, this could not be done until we changed the law originally. The 17 sites that the gentleman refers to were permitted by the DEP during a period when there was some confusion over what the law meant exactly. This is the only thing we are quarreling about. Any future sites will have to be approved by

municipalities, whether it is a small town or a city or whatever it is.

The only thing we have been disputing here is the question of 17 sites that were authorized during this interim period when the law was in the state of confusion, and what we are arguing about is how those sites should be handled. And the gentleman from Skowhegan believes that the municipalities should be able to revoke those sites if he wants. The amendment that was put on in the Senate would also allow that to happen, but it would set certain standards for determining that, and that is the only thing we are fighting about.

I hope you will support the enactment of this bill.

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

Mr. PETERSON: Mr. Speaker and Members of the House: This is not a city vs. small town issue. Two members of the Natural Resources Committee come from Bangor. The rest of the members of the committee all come from small communities. I am no exception. I gave the Portland situation as an example because that was provided as testimony at the hearing by a person, a big pumper, in the city of Portland who is enjoying — he testified against self interest — he is enjoying making large amounts of money by trucking waste out of the city of Portland. I have as an example — it is not a small town vs. big city issue. It is an issue which relates to every community in the state. If you have septic tanks in your community, you ought to be interested in this.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support Mr. Peterson and Mr. Rolde's version of this being helpful to small areas, small towns. For instance, in my own small town, we would welcome a site by the municipality, but they are unable to find one, and we have to have to truck sewage to Bangor or Ellsworth, which is a very costly expense to the person. We welcome a private individual being licensed to have one in our municipality, and I think every other town would also. It is not going to affect those 17 that are already operating.

Mr. Peterson has explained it very correctly, and we would all welcome it in small communities.

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

Mr. CURRAN: Mr. Speaker, could we have the committee report read, please?

Thereupon, the Report was read by the Clerk.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted of An Act Authorizing the Department of Environmental Protection to License Privately-owned Septic Waste Disposal Sites, House Paper 154, L. D. 209. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. If you are in favor of this Bill being passed to be enacted as an emergency measure you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Call, Carey, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox,

Curran, P.; Curran, R.; Curtis, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laverty, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreaarty, McKernan, McMahon, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Rollins, Saunders, Shute, Smith, Snowe, Spencer, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Bowie, Carpenter, Conners, Dam, Dudley, Faucher, Gray, Hewes, Hunter, Laffin, Leonard, Mackel, Mills, Rideout, Truman.

ABSENT — Gauthier, Hughes, LaPointe, LeBlanc, Mulkern, Perkins, S.; Silverman, Snow, Strout, Talbot.

Yes, 126; No, 15; Absent, 10.

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

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

#### Passed to Be Enacted

An Act to Provide Funds to Pine Tree Legal Assistance, Inc., for Continued Legal Representation for those in Need (S. P. 133) (L. D. 438)

An Act to Provide for Marine Resource Education by the Department of Marine Resources (S. P. 222) (L. D. 735)

An Act Relating to the Labeling of Shrimp (S. P. 195) (L. D. 645)

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.

The following Enactors appearing on Supplement No. 1 were taken up out of order by unanimous consent:

#### Passed to Be Enacted Emergency Measure

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

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. 114 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Clarify the Consumer Credit Code (H. P. 599) (L. D. 742)

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. 123 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Exempt Veterans from the Moratorium on Issuance of Lobster and Crab Fishing Licenses (H. P. 604) (L. D. 747)

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. 114 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Reduce the Annual District Tax on Maine Forestry District Property Due to Increased Valuation (H. P. 833) (L. D. 960)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of the members elected to the House being necessary a total was taken. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

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

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

An Act to Delete the Requirement that Taverns Serve Men Only (H. P. 314) (L. D. 390)

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 to Permit Furloughs for Prisoners of County Jails (H. P. 427) (L. D. 521)

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

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

Mr. McMAHON: Mr. Speaker and Members of the House: In view of the fact that the sponsor of this bill is not here and I intend to move for its indefinite postponement, I would suggest that someone table this for two days.

Thereupon, on motion of Mr. Kelleher of Bangor, tabled pending passage to be enacted and specially assigned for Thursday, April 3.

An Act Relating to Interest on Awards in Workmen's Compensation Cases (H. P. 487) (L. D. 606)

An Act to Place Certain Safeguards on the Proceedings of Medical Review Committees (H. P. 490) (L. D. 609)

An Act to Ensure Equitable Billing Practices by Creditors Engaged in Open-end Credit Pursuant to Lender Credit Cards under the Consumer Credit Code (H. P. 579) (L. D. 714)

An Act Relating to Town Maintenance of Highways in Compact Areas (H. P. 581) (L. D. 720)

An Act to Repeal a Certain Provision in the Consumer Credit Code Concerning Relinquishment of the License of a Supervised Lender (H. P. 609) (L. D. 752)

An Act to Clarify the Personnel Law as

to Staff Attorneys in the Office of Attorney General (H. P. 618) (L. D. 764)

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.

On the disagreeing action of the two branches of the Legislature 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, the Speaker appointed the following Conferees on the part of the House:

GAUTHIER of Sanford  
BENNETT of Caribou  
MISKAVAGE of Augusta

(Off Record Remarks)

#### Orders of the Day

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

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

Tabled — March 26, by Mr. Gauthier of Sanford.

Pending — Passage to be Engrossed.

Mr. Spencer of Standish offered House Amendment "B" and moved its adoption. House Amendment "B" (H-107) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. SPENCER: Mr. Speaker and Members of the House: This bill would permit a provisional licensee to have a hearing before a license was suspended if he were charged with a moving violation. It was pointed out in the debate on this earlier that as drafted the bill would give the provisional licensee more protection

than a person with a regular license in a situation where he was guilty of an offense for which a regular licensee would have his license suspended pending hearing. What this amendment does is to provide that if the provisional licensee is guilty of an offense or has such a bad driving record that the secretary could suspend his license pending hearing, if he were a regular licensee, that in that event the secretary may suspend the license of the provisional licensee pending the hearing.

I trust that it is clear.

Thereupon, House Amendment "B" was adopted.

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

Mr. STROUT: Mr. Speaker, I now move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Corinth, Mr. Strout, moves that this bill and all accompanying papers be indefinitely postponed. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was aken.

Thereupon, Mr. Spencer of Standish requested a roll call vote.

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

Mr. KELLEHER: Mr. Speaker, a parliamentary inquiry. If I was in the position that Mr. Spencer was in and the vote was 61 to 61, I think that kills the motion, doesn't it?

The SPEAKER: That is correct.

Thereupon, Mr. Spencer of Standish withdrew his request for a roll call vote.

Thereupon, Mr. Strout of Corinth requested a roll call vote.

The SPEAKER: The gentleman from Corinth, Mr. Strout requests a roll call. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. If you are in favor of a roll call, you will vote yes, if 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 Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I have lost all track of this bill and I wonder if there is someone here qualified to explain it in laymen's language and then I would know how I should be voting.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, has posed a question through the Chair to anyone who may care to answer.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure that I should try to explain anything this morning.

The basic thrust of this bill is to provide that if a provisional licensee gets stopped for a moving violation, he can request a hearing before his license is suspended. The purpose of that is that in many situations the provisional licensee is needed by the family for basic transportation where the parents are disabled, where they are in the hospital, where the person who has got his first driver's license needs to be able to drive back and forth to work and in all of those situations he may need his license because it is his livelihood and that of his family and this bill would allow him to have a hearing before his license was suspended.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: There is another side to this particular bill. I think it is bad legislation. It has been in for the last several terms and I know it was in last time and it was defeated. This provisional license is designed to make it possible for the Secretary of State to suspend licenses when violations occur. If this hearing process is adhered to, it will be just a tremendous increase in the number of requests for hearings and it will probably require additional hearing officers.

I feel that this is little enough — it is only a 30 day suspension and it does serve as a deterrent. It was originally designed and put on the books to make young folks realize that their license was not a right but a privilege. I think it should stay on the books and I hope you will vote to indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reiterate once more that this would be just for moving violations. Now, there have been in the past some 2,800 suspensions. I shouldn't say this, perhaps, but not all of them certainly have been for moving violations. I feel that this amendment would simply assure fair play to the holders for provisional licenses who are normally the young people. The amendment, by the way, would simply extend to them the same courtesies that we

afford the others, and if we don't do that, we perhaps should have mandatory suspensions for everyone of all ages.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add that this bill was opposed by the Maine State Safety Highway Committee and it was opposed by the Maine AA, the automobile association, and by Charles Wyman, the Director of the Motor Vehicle Department.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I request that the Clerk read the committee report, please.

Thereupon, the Report was read by the Clerk.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: It is just like Mr. Spencer told you a few minutes ago in his explanation to you. This here is only when there is a member of the family that has a license and it has been suspended for a minor accident — I mean moving vehicle — we felt that at the time where we have so many people on relief that it would give a chance to someone to help support the family, and this is mostly for those to go to work in order to provide help and get them off the relief rolls.

The SPEAKER: The pending question before the House is the motion of the gentleman from Corinth, Mr. Strout, that this Bill and all its accompanying papers be indefinitely postponed. A roll call has been ordered. Those in favor of indefinite postponement will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS — Ault, Bagley, Berry, G.W.; Binnette, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Churchill, Connors, Cooney, Curran, R.; Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Gould, Greenlaw, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Jalbert, Joyce, Kauffman, Laverty, Leonard, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Martin, A.; Maxwell, McBreairty, Miskavage, Morton, Norris, Perkins, T.; Peterson, P.; Shute, Sprowl, Strout, Susi, Teague, Theriault, Tozier, Truman, Twitchell, Walker, and Webber.

NAYS: Albert, Bachrach, Bennett, Berry, P.P.; Berube, Bustin, Carey, Carpenter, Carroll, Chonko, Clark, Connolly, Cote, Cox, Curtis, Dam, Davies, DeVane, Faucher, Goodwin, H.; Goodwin, K.; Gray, Hall, Henderson, Hennessey, Hobbins, Hutchings, Ingegneri, Jacques, Jensen, Kany, Kelleher, Kelley, Kennedy, Laffin, Lewin, Lewis, Mackel, Mahany, Martin, R.; McKernan, McMahon, Mills, Mitchell, Morin, Nadeau, Najarian, Palmer, Peakes, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Smith, Snowe, Spencer, Stubbs, Talbot, Tarr, Tierney, Torrey, Tyndale, Usher, Wagner, Wilfong, Winship, and The Speaker.

ABSENT: Dudley, Hughes, LaPointe, LeBlanc, Mulkern, Perkins, S.; Silverman, and Snow.

Yes, 68; No, 75; Absent, 8.

The SPEAKER: Sixty-eight having voted in the affirmative and seventy-five

in the negative, with eight being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "B" and sent up for concurrence.

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

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

Tabled — March 26, by Mrs. Najarian of Portland.

Pending — Passage to Be Engrossed.

On motion of Mr. Palmer of Nobleboro, retabled pending passage to be engrossed and specially assigned for Thursday, April 3.

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 26, by Mr. Smith of Dover-Foxcroft.

Pending — Passage to be Engrossed.

On motion of Mr. Rolde of York, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the fourth tabled and today assigned 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 House on March 19. Comes from the Senate indefinitely postponed in non-concurrence.

Tabled — March 26, by Mr. McKernan of Bangor.

Pending — Further Consideration.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: As the originator of this bill, I am naturally disappointed in the action of the other body when it voted to defeat it. I can count, however, and after doing a little checking this morning, I am of the opinion that further efforts to keep this bill alive will not be successful.

I wish to thank the gentleman from Bangor for tabling this last week while I was away, but I now reluctantly move that we recede and concur.

Thereupon, on motion of Mr. McMahon of Kennebunk, the House voted to recede and concur.

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

House Divided Report — Majority (10) "Ought to Pass in New Draft under Same Title" — Minority (2) "Ought Not to Pass" — Committee on Transportation on Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles" (H. P. 571) (L. D. 725)

Tabled — March 26, by Mr. Fraser of Mexico.

Pending — Acceptance of Either Report.

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

Mr. FRASER: Mr. Speaker, I now respectfully ask that this be tabled for two more days.

Thereupon, Mr. Kelleher of Bangor requested a division.

The SPEAKER: The pending question is

on the motion of the gentleman from Mexico, Mr. Fraser, that this matter be tabled pending acceptance of either Report and specially assigned for Thursday, April 3. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Fraser of Mexico requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that this matter be tabled pending acceptance of either Report and specially assigned for Thursday, April 3. All in favor of tabling will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS: — Albert, Ault, Berry, G.W.; Binette, Boudreau, Bustin, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cox, Curran, R.; Dam, Dow, Drigotas, Faucher, Fraser, Garsoe, Gauthier, Gray, Hall, Hennessey, Hutchings, Immonen, Jackson, Jacques, Kauffman, Lewin, Lovell, Lynch, MacEachern, Martin, R.; Maxwell, Miskavage, Morin, Morton, Najarian, Palmer, Peakes, Peterson, T.; Quinn, Rideout, Roide, Rollins, Saunders, Shute, Smith, Spencer, Sprowl, Strout, Susi, Tarr, Teague, Theriault, Tierney, Tozier, Tyndale, Wagner, Webber, Winship and the Speaker.

NAYS: Bachrach, Bagley, Bennett, Berry, P.P.; Berube, Birt, Blodgett, Bowie, Burns, Call, Carey, Connolly, Cooney, Cote, Curran, P.; Curtis, Davies, DeVane, Doak, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Henderson, Hewes, Higgins, Hinds, Hobbins, Hunter, Ingegneri, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, Laverty, Leonard, Lewis, Littlefield, Lizotte, Lunt, Mackel, MacLeod, Mahany, Martin, A.; McBreairty, McKernan, McMahon, Mitchell, Nadeau, Norris, Pelosi, Perkins, T.; Peterson, P.; Post, Powell, Raymond, Snowe, Stubbs, Torrey, Truman, Twitchell, Usher, Walker, and Wilfong.

ABSENT: Byers, Dudley, Hughes, Jalbert, LaPointe, LeBlanc, Mills, Mulhern, Perkins, S.; Silverman, Snow and Talbot.

Yes, 65; No, 74; Absent, 12.

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

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry it wasn't tabled, but I suppose we might as well debate it today as two days from now.

Work on this bill started way back early last summer. People who opposed the bill which was passed two years ago and later rejected by the voters hashed it over, parts of it were taken out that were objectionable. People who objected to the last bill came to the hearings, a compromise attempt was set up. Neither side got what they wanted, but we felt that this was a good compromise.

There have been all kinds of scare tactics in the newspapers and out regarding the danger of having this bill passed, and there are no dangers. The average traveller would not even notice it. There are loads on the highway now which exceed the limit that this bill calls for. The present law encourages people to disregard the law because their loads are not large enough for them to even make a living.

Twenty or twenty-five years ago, the last time that the weight was increased to 73,000-some-odd hundred, trucks at that time were no where near the trucks that they have now. They were not suitable for the load that they were carrying.

I am sure many of you remember riding on the highways and having a truck ahead of you, topeavy, and you wondered if it was going to make the next corner. Over the years we have insisted on safe trucks and gradually these safe trucks have come along. The trucks themselves have increased the weights fifteen or twenty thousand pounds. Half of the gross we are allowed now is used up by the truck. The basic weight, 73,000 pounds, would only allow probably twenty-five or thirty thousand pounds of logs out of the woods, which actually only half fills the truck.

These trucks cost a lot of money. The truckmen have to pay for them, and the only way they can pay for them and make a living is to haul enough wood so as to make it worthwhile. They can't do it the way it is, so, consequently, probably half and maybe even more are driving more now than they would under the new law.

At our hearing, one truckman came right out and told us in front of the State Police that he hauls 130,000 or 135,000 pounds on my truck because he can't make a living at the limits that are now in existence. If this law is passed, I can live within it and I will never have to break the law again.

This new law graduates the fine up to \$1,000, depending on the number of pounds overweight. Not too many truckers are going to pay that fine if they can help it. The law we have now is a maximum of \$210. They can exceed the limits in excess of what our new bill calls for and their fine is \$210. They will go back and load again and probably make several trips before they are fined again, but they are still making money.

The loads they are carrying now do no damage to our roads. The newer trucks will do no damage to our roads. It requires for the axle to be spaced properly. It requires for the loads to be balanced properly. It requires at least six axles for the higher weights and enough size tires so that the pounds per square inch on the highway is not greater than many automobiles that you see on the highway now.

I had passed on my desk this morning a circular distributed by my good friend, Mr. Kelleher. I don't happen to have it. I was so sure this bill was going to be tabled I haven't located it yet, but he tells about the weights being increased by 35 percent. He is taking the difference between 73,280 to 99,000 — that is not accurate. If you are going to figure percentage, you should figure based on both sides. He has used the base on one side and the 10 percent allowance on the other side. And 10 percent of 73 is only about 80,000, so that percentage should probably be 17 percent rather than 35.

Again I have to say to you that the passage of this bill would in no way affect

the travelers, it could only benefit those who have to make a living driving a truck. I hope this bill will pass.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Transportation Committee, I rise in strong objection to this bill and I oppose the bill for several major reasons. Most importantly, this bill is substantially the same as a bill recently defeated in referendum. The people of this state have spoken very clearly, 60 percent of the voters gave a very strong "no" to the truck weight referendum last fall. While I admit there have been some changes, the most important and widely publicized sections are basically still the same.

The trucking industry apparently will not take no for an answer. They were defeated in a bill which would raise the allowable truck weights on all Maine roads to 100,000 pounds. So, now they are coming back for what they term a reasonable compromise, 99,000. If we ignore the clear voice of the voters of this state, people will lose what little faith they seem to have in their government these days. This, in itself, is enough to cause this measure to be defeated right here and now. I don't think that we can afford the luxury of ignoring what the people of Maine have said very clearly and in the words of a former high official in Washington, the people have made it perfectly clear.

This bill would raise the allowable weight on the interstate system to 80,000 pounds, up from 72,280. The interstate is the one road in the entire State of Maine which was built to handle these larger trucks. This piece of legislation would allow trucks of 90,000 pounds plus 10 percent tolerance for a total of 99,000 pounds on all other Maine roads, roads like Route 201, Route 9, Route 17 and Route 26, roads like Western Avenue or State Street here in Augusta. Does it make sense to you to have the biggest best roads of the State carrying the smallest loads? Does it make sense to you to have the cheaper smaller State and local roads carrying the heaviest loads, heaviest trucks, trucks of nearly 50 tons? It certainly doesn't make any sense to me. Common sense tells me the best roads should be carrying the biggest trucks. Now the proponents of this measure will argue again and again that the only thing that is really important in terms of weight, at least as far as road damage is concerned, is the number of pounds per tire. This just is not so. L. D. 1211 requires that any trucks carrying 99,000 pound loads, which will be required to have six axles. For a truck to have six axles, a tri-axle is required. A tri-axle is three fixed, stationary, forward-going axles, one in front of the next. This tri-axle will be placed under the rear part of the box of a trailer truck. When a truck is going forward there is no problem. However, when it turns, the tri-axle will not turn, it can not turn, it drags, it must drag, and this drag will tear the road apart, especially when the road is hot and the road is soft or when the road bed is wet and lacks a solid base, the road will literally be torn apart. There is one very important other factor to consider, many of Maine bridges are old and obsolete and in dire need of replacement. According to DOT's own figures, over 2,300 of these bridges were built before 1935 and they were never designed to carry the kind of weights that this measure will force on them. Many of these bridges have already suffered

structural deterioration to a point where any increase in weight could bring catastrophic failure. This bill would allow weights which will produce serious overstresses on bridges far beyond the loads for which they were designed when the structures were new. You don't have to be an engineer to see that the carrying capacity of a bridge becomes less, not more, as time goes on.

In spite of this fact, the trucking industry is pushing to increase the wear and tear on our already overstressed bridges.

Mr. Speaker, I move indefinite postponement of this bill and all of its accompanying papers and I ask for the yeas and nays when the vote is taken.

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

Mr. FRASER: Mr. Speaker and Members of the House: In answer to a few of the remarks from my young gentleman friend here — he had this same item in the paper last week to mislead the people to think that there is only 1,000 pounds difference between this bill and the last one, actually there is 10,000. He mentioned again this morning that the last bill called for 100,000 and this one calls for 99,000. The last one was 100,000 but it also had 10 percent tolerance which made it 110,000 not 100,000. So, there is 10,000 pounds between that bill and this one.

He speaks about bridges. This bill provides for fines for trucks driving over bridges that are posted. So, to me, that is not an argument.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't prepared this morning because I somewhat felt this bill might be tabled for two days. Reasons that I think the gentleman from Mexico wanted this tabled was that we were going to have some expertise here to explain some of this and might solve some of the problems.

In reflecting back to the gentleman from Portland, Mr. Jensen, concerning the bill we passed in the Special Session of the 106th, I somehow believe that when he is putting testimony before us or putting notes in the Bangor Daily News or the Portland Sunday Telegram that he should explain all of his facts. The bill that we passed in the 106th, that was put out for referendum, had some provisions in there concerning pickups. It had provisions in there concerning adequate brakes on trailers. Even my people back home, when they ask me about this particular bill, when it come up for referendum, how they should vote, and I had reservations that this bill should be repealed and we should, because if we didn't, we are going to have to do some changes when it was brought back to the 107th. Another thing that I think he fails to realize is the way the bill was written for referendum, a lot of people felt that a yes vote would mean that it was going to be repealed. Little did they know that the bill hadn't become law and I think that a lot of people in the State of Maine, in fact, I know some of the truckers even voted no because they wanted the truck weights and they couldn't understand just the way this was written up.

Now, to go a little bit further today, I am not all excited about the 90,000 pounds. I do feel, however, that when we stop and think about up to five axles that the provision in this piece of legislation that gives the trucking industry on five axles, which I am looking at, which benefits the people in my area, we are only going to allow 80,000

pounds. Now, this is 10 percent of what they are allowed at the present time. There is a provision in this also that allows 10 percent. There is not the provision that allows an additional 15 percent during the winter months.

The law that we have on the books at the present time allows a vehicle with five axles 73 to 80, plus 10 percent, plus 15 percent, which gives them roughly 90 to 1,000. Now, this bill would give them 88,000 with the 10 percent.

I submit to you that, in the past year, the people that have been involved with this piece of legislation, the many good roads, the Maine State Police, the Commissioner of the Department of Transportation, the trucking industry and there are four or five different other groups that have been involved with this also when we had these bills for hearings, that we discussed with these people, the railroad was invited. In the past week, I have had some stiff lobbying from the railroads in the State of Maine trying to tell me that you had a mandate from the people. When we had these particular hearings last summer I didn't see the railroads appearing against this or for this. They never seem to do anything until you have a bill that is brought on the floor of the House and then they come and try to show us the bad parts. I think that maybe we ought to look at some of the good parts. We are going to have safety features in this bill. We have got a bridge formula in his bill which nobody has mentioned. Let me remind you that some of the five axles operating on the highway today, with a forty foot trailer, aren't going to be able to haul 80,000 when you figure it out by the bridge formula. Also, take the provision on six axles, they are not all going to be able to haul the 90,000. I am not scared of this bill. The lobbying I received from the railroads, they said, "don't you see the mandate from the people?"

I honestly can't see when you put a piece of legislation before this body, which I feel is a reasonable body, we have all made compromises and I would like to quote from what the Commissioner of Transportation told us at the hearing — "this is a reasonable bill that reasonable people can live with." I believe this is a reasonable body and I hope this morning that you will vote against the motion to indefinitely postpone.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly agree with the gentleman from Corinth, this is a reasonable body and it is going to take reasonable action here this morning in supporting the motion of the gentleman from Portland, Mr. Jensen, to indefinitely postpone this measure.

The arguments that were presented here by the proponents of the bill say that this is a reasonable measure and that it is a compromise and I suggest that there is no compromise. It compromises, I believe, the intent of the voters of the State of Maine who overwhelmingly defeated almost the same original document two years ago. I have been lobbied on this bill very heavily by individual constituents in my own town, who expressed the concern that they can't understand why we, as the Legislature, would attempt to pass a document such as this, which was overwhelmingly turned down by the voters only a year ago. One of my constituents wrote me a letter and she indicated that she would like to see us pass a law in this

Legislature that such a bill, bills like this that have been soundly defeated by the voters, could not reappear for at least one or two years and I believe that the lady that wrote the letter was probably right.

You are talking about 101,000 pounds on highways that are constructed not to be able to handle it. There are hundreds of bridges that have been built in this state prior to 1940 that can no way handle it and even though they post fines and the State Police are looking for those who may be violating the limits that are set up, it happens, you see them on secondary roads, just like I do.

I think that the gentleman from Portland, Mr. Jensen, presented sound arguments here this morning, extremely good arguments, why this bill should be indefinitely postponed. I understand that there is another bill somewhat of a compromise, a somewhat more tempered down version, that is still in the Transportation Committee. Perhaps this is the compromise bill that some individuals are talking about, but it is certainly not the L.D. that we have here this morning and I ask this House to support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: The arguments that you have heard here this morning, both pro and con, we have heard many times before in the 106th. At that time, we had three votes on this matter of the bill that was before us at the time and every time that we explained this to the people in this House, we gained votes and the last vote was three to one for the bill. This was done by people that understood what we were trying to do and I think we are talking about people on the referendum question last fall who didn't know the whole situation.

This came out of committee 11 to 2 "Ought to Pass" and the Commissioner of Transportation, this time, is with us. Before we had to fight, not only the commissioner but the Maine Municipal Association, the railroads and the AAA. At the present time, the opponents consist of the railroads, the AAA and people who know nothing about trucking.

The existing law on the five axle give us at the present time 92,699 pounds. This new bill drops it down to 88,000. I will admit that on the six axle trucks we are asking for a raise but we have very few of these trucks in the State of Maine today. I think this is a compromise and when they say this is substantially the same bill as we had before, that isn't true.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want you good folks to know that I am not in the trucking industry. As a matter of fact, I come from an industrial town where they have a lot of trucks that come through—they service the Diamond International Paper Company — which company is going to put an expansion of something like \$18 million to increase the employment in that community. We also have a great road builder who uses a lot of heavy equipment, Herbie Sargent, who has built a lot of roads and they have to use trucks to haul gravel back and forth and they understand that if they overload those trucks, they will be subjected to quite a fine.

In regards to the previous measure that was defeated by the people, I will say this, that I think there a lot of people who will understand it. Many, many people did not understand that measure. It was so confused, it is almost impossible for anybody to distinguish right from left or right from wrong, nobody knew.

Now, this bill here, which I understand of course, as I previously informed you, I am not a trucker but I listened to it very carefully in the committee, being on the Transportation Committee, I think that they have gone through that this committee who was appointed to make a thorough study during the past year have come up with something that will be agreeable to the industry and to the commission, the Highway Commission, I mean.

I would have liked to have seen that bill tabled today for a little while, at least a day or so, so that we could have heard from the State Police who have a great input in regards to these trucks on the road. I had the understanding that Captain Jones was going to have a meeting and to explain the safety features of it, which I am sure many of us are not aware of.

The area of this bill which I would like to discuss, as I feel is very important, is safety. The present law allows and even encourages unsafe trucks to operate with overpowered engines, inadequate braking systems and light duty, basic manufacturing, in order to carry extra loads. This bill would allow a properly designed truck to carry the same load legally and safely. It requires adequate braking systems. It requires braking systems that meet federal standards.

Now, I have seen these trucks. I have had occasion to see many of them. A lot of these people load their trucks over and beyond capacity and as has been said here this morning, you kind of worried to see them come down the road to see whether they are going to tip over or break down somewhere right in front of you and I am like a lot of these motorists, that when I am following one of these trucks, at the very first opportunity I can get, I manage to get ahead of them. I don't want to be in back of them and that is due to the fact that many of these people who are hauling pulp or logs of that nature, put as much as they possibly can because the most they can put on that truck means more money for them and if they get fined, as I heard one of these truckers, state why, if I get fined once out of every five trips, I am ahead of the game because all I will pay is \$210 anyway. This law, from what I can see, means that it is going to cost them \$1,000. Now, you can rest assured that they are not going to gamble to be fined \$1,000 many times. I think it is something that they are going to look at very carefully. I think that when you do that you can not blame the State Police for not picking them all up because they would have to be everywhere at once. We haven't got enough of a force to be able to handle that situation. If we had more troopers on the roads, more weighing scales or something of that nature, we might be able to catch more fines. I don't think they care about fining people, they only want them to be safe on the road. That is one of the main purposes.

I feel as though this added safety would repeal the frozen road provision which the present law allows. At the present time, they allow I think, if I remember right, it is either 10 or 15 percent tolerance over the frozen road. Well, this bill here eliminates that and that would be one thing which I

think would be less damaging to our roads.

While there is a modest increase in weights in this bill, it provides for better distribution of all loads by establishing specific axle limits regardless of loads. Now, the only thing I understand a great deal is the fact that if they have a six-axle it means a truck that is quite long and built so that it can stand the load. That is something that there are not too many of them at the present time on the road. A lot of these small trucks will soon be off the road and when they purchase a new one, from what I gather, they are going to be rated to capacity load on a truck and they cannot exceed that weight limit. This is especially these 1976 models; they have a gross weight and I think they will have to live up to it.

These are some of the safety provisions which I find in this bill, and I do not find them in the present law. The existing law relating to truck transportation is, in my judgment, not a good law. It is very weak in many ways but particularly as it relates to safety.

This bill is much more than a truck weight bill. It might even be called a truck safety bill. Current law needs revision and I find this bill a good revision of outdated law.

When Commissioner Mallar of the Department of Transportation testified at the public hearing on this bill, he said he believes it is a reasonable bill which reasonable men can support. I can assure you folks here that when Commissioner Mallar makes such a statement, he isn't urged to do it, he does it from his own heart, and can I tell you right now that he is very much like our previous Commissioner Dave Stevens, I think he means what he says and he says what he means. Therefore, I urge you people not to be confused with some of the literature which my good friend, Mr. Kelleher, has put on our desks. It is the most incomprehensible thing that I have seen for a long time. I can't understand it and I don't think many of you in here do.

I urge you to support this measure and we get on the road with it.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lunt.

Mr. LUNT: Mr. Speaker, Ladies and Gentlemen of the House: Although I appear as a minority signer of this report, I firmly believe that my views represent those of the large majority of our citizens.

The referendum which we are all familiar with indicates overwhelmingly that the public doesn't want substantially bigger trucks on our highways.

It has been and will continue to be argued that this present bill is not so bad as the one rejected by the people. This seems to me to be damning the present proposal with a faint praise. In fact, one of the principal proponents of this measure stated that this bill represents a compromise between what the proponents want and what they ought to have. I submit that the people of this state are being shortchanged. Anytime we give any group more than they ought to have.

It has never made sense to me that our small state aid and town roads ought to be subject to heavier trucks than our large interstate system. In fact, the American Society of Engineers strongly urge that 80,000 pounds is too heavy for our interstate. Nevertheless, the federal

positions will now permit the state to go to 80,000 pounds with no tolerance.

It is my belief that if we adopt those federal regulations for all roads, we would be going as far as we should.

There are two more bills tabled in our committee which can incorporate the federal recommendations into our Maine laws. I can assure you that if you will go along with us in rejecting this measure, our committee will then come out with a bill incorporating all the good enforcement provisions of this one and a weight formula that makes sense.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. MCBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: I did not intend to speak on L. D. 1211. After receiving this letter and statement from one whose judgment I value very highly, I feel it my duty to share with you his views. I am now going to read his letter and statement. "Dear Mr. McBreairty: I recently attended the Transportation Committee hearing on L. D. 1211 in Augusta and stated my opposition to this needless and unwanted piece of legislation.

"Attached is a copy of my statement which is basic and uncomplicated and clearly voices not only my opinion as a private citizen but also my opinion as a major user of the trucking industry throughout this nation. The people of this state defeated a similar proposal last year through a referendum and nothing has changed since that time to warrant even the slightest consideration of this bill. Please follow the example that your valuable constituents set via referendum and turn this L. D. 1211 down if and when it appears before you. If you have any questions, please call or contact me at any time." Thank you. Yours truly, American Kitchen Foods, Perley Langley, Director of Transportation.

I will now read his statement. "My name is Perley Langley, I am employed by the American Kitchen Foods, Inc. of Presque Isle as Director of Transportation. In my position, I am in charge of the movement of our finished product, frozen foods from the plant sites to our many customers and warehouses across the country. Last year we shipped over 5,200 truck loads of product out of Presque Isle and Caribou alone, so you can see we are a major truck user and will continue to use trucks but we are strongly opposed to L.D. 1211.

"Last year the people of the State of Maine made their feelings known through a referendum that they did not want these huge weighted units on our highways, and I agreed then and I agree now that we do not need this piece of legislation. The 80,000 pound gross weight that the federal government has approved is and should be sufficient to serve all segments of a society. We are members of the Maine Trucker Owners Association and the Private Carriers Conference, as well as other related groups, and we realize that we are taking a stand, probably opposed to these groups, but we sincerely believe that this continued historical trend of truckers of seeking increased weight must eventually come to a halt.

"Where is a trucker going to stop? Every two or three years, there are bills presented for either more weight or added lengths. If they get more length, then they go after more weight and if they get more weight, then, naturally, they go after added length. It goes on and on. The

truckers keep saying that the added weight and length will make them more efficient and that this tends to keep the shipper cost down. There is an element of truth in this but I believe the major reason that rates are kept in line is because of the competition between the various truckers themselves and between the truckers and the railroads. The safety factor involved here is very important and I am sure that ATA and MTOA can quote all the various figures that will indicate that the truckers carry an excellent safety record and these may be true at today's weights but not on the 90,000 to 100,000 pounds that is proposed here today.

"One accident, one highway death, one broken family is not worth the risk of this increased weight bill. Furthermore, the highways in and out of Aroostook County, plus other areas of this state, leaves a lot to be desired. This part, coupled with the adverse weather conditions that prevail in this state, plus the fact that we do not need this added weight on our highways because the railroads are set up and geared to handle high volume movements is why we oppose this bill so very strongly. We are neither pro rail nor pro truck and we do operate a fleet of trucks ourselves. All we want is good, sensible, safe, balanced transportation system, which involves both rail and truck to, from, and within the State of Maine.

I strongly urge you to decline this bill for the benefit of all the people of this State.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: In the 106th, I was a member of the Transportation Committee, as I am now, and I hear these fellows telling about what a bad bill it was in the 106th and I agree with them. I opposed it. I opposed it strongly, but this one I do not because I know this committee, this Transportation Committee made up of citizens and made up of truckers, they have sat down and spent all summer going over this. They have the benefit of the engineering staff of the Highway Department and they went through it in all ways and they have come up with what I think is a good, strong and reasonable bill.

Now, let's talk about safety. Yes, we have a couple of more bills in the Transportation Committee, but none of them changes the fine structure — none of them. The fine structure has not changed. We had fellows come before our committee telling about hauling 135,000 or 140,000 pounds and if they got by a couple of times, they were on the gravy train. They said if this new fine structure goes into effect, we are not going to do it because it is too expensive. I think if you will get away from those big loads, it will be a much safer trucking industry with this new bill than with the old one.

I urge you not to indefinitely postpone this bill.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I kind of hesitated getting up, being the only woman on the Transportation Committee, but I feel as if I must speak. First, I would like to respond to some of the statements that have been given to us here today. First, to the gentleman from Aroostook, who said that this would mean bigger trucks, this doesn't mean bigger trucks. The law is the same in the size of the trucks, the length, the width and the height.

Somebody said they couldn't get through the material that Representative Kelleher put on our desks. I urge them to try to get through what the Maine Automobile Association has put on our desks and if you look at it, this is about like the information that they gave their members last year before the referendum — very misleading — scare tactics. I don't think half of the people, and rightly so, because they don't know, haven't studied any of it, knew what they were voting for on the referendum. I don't believe they know what a fifth wheel is; they probably think it is a spare tire. There are many things that have been said that aren't so and many people have not corrected it.

I did have a prepared speech and I would like to read it at this time. I wish to address my remarks to you as a member of the Transportation Committee, not only as a two-termer on this committee but also after long yet productive hours of days, weeks, and even months of researching, listening to testimony and evaluating the motor carrying industry and its impact on Maine, this study being made as a member of the committee charged to do so for the 106th Legislature.

It is not my intention to go into lengthy details concerning the value of Maine truck transportation system but only to bring out a few facts relevant to and important to L. D. 725. As a woman serving on this committee, I have noticed that emotional appeal is the sole appeal of the opponents of trucks — period. No one is more cognizant living in a pulp and paper section of Somerset County of that visibility of pulp trucks and I, and it is that visibility which makes the emotional attack more appealing and readily acceptable to many. The sight of a load of pulpwood some people say gives them the shudders. I would ask those people, if that load of pulp was under cover, out of sight, how would they feel about it? I am sure that they would not be frightened for what they could not see, unless they are against trucks, period. Incidentally, Maine tie-down laws and other regulations concerning pulp and other cargoes are more than adequate and are policed very carefully.

My next point is weight distribution as it relates to this bill. Perhaps we all know of some person who, because of their gross weight, could be described as big, huge or even an amazon, if that is what you would like to call them. Now, that same individual's weight, if it was well distributed, we might conclude instead that they were just well proportioned. So, too, then is the weight factor for trucks as spelled out in L. D. 725, well proportioned or well distributed. So forget, if you will, the total gross weight as a prime feature of this bill and look at the distribution factor, for it isn't the gross weight that is necessarily bad for the roads as is the axle weight.

The provision of the six-axle weight in this bill which, by the good looking, well-proportioned figure I mentioned earlier, it makes the truck load well proportioned also.

However, what we are talking about is axle weight. The number of axles has always been the factor used in determining the gross weights. If this were not so, then the maximum gross weight also could be carried on a two, three or even a four-axle truck alone and this would raise havoc with our roads.

This has been considered in this legislation, the weights have been researched and determined with the help of the State Highway Department and

including officials of the Public Safety and Law Enforcement and has been previously stated, the fine schedule in this bill is much greater than the present bill, fines up to \$1,000 instead of the top fine now of \$200 plus \$10 for court.

Under this bill, being fined \$1,000 would make one think twice before overloading and I believe sincerely if this bill is passed, we will see a decrease in weights, not an increase, because of this fine structure. This bill is better because of the many safety features which you have been told about, including axle weights, axle brakes, posting of bridges in our state, the fines high enough to discourage continued overweight loads as of today, and it also contains scientific weight distribution factors. It has eliminated the 15 percent tolerance for winter months and after 1976 models, the limits will be governed by the manufacturers certified specifications.

In conclusion, as one of our officials has said and has been stated, he believes this is a reasonable bill and I believe we are all reasonable people.

I hope that we will not vote for the "ought not to pass" but vote for the "ought to pass." I would say again that I believe this bill will decrease the loads that are being carried now because many of them are overweight. I would urge you to think about the bill before you vote.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I am just a city boy, and when I think of the trucks I think of the wheels, when I think of L. D. 1211, I am beginning to think of the wheelers and dealers.

I feel that to pass this bill would be an insult to the intelligence of the people of Maine. Experts — we have all kinds of experts. I would like to say that the real experts on this issue are the people of Maine. They are the ones who have spoken. Such a situation that we have had over this bill since the referendum, I have to look back into my lifetime profession to get a descriptive phrase to fit it. This is what in those days we referred to — it looks like a lot of hanky-pank.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I don't have a prepared speech and I don't intend to debate the bill; however, there are a few items that I would like to call to your attention. Last year in the 106th I opposed the bill that corresponds to this one that we are working on now. The bill passed; however, it had to go to a referendum, and I don't go for this theory that the people didn't understand the referendum. I met people from one end of this state to the other and I conversed with them about that. There were very few that I talked with that didn't understand what the referendum was all about.

This bill is some better than the one presented in the 106th but not enough better. I don't get excited about the \$1,000 fine. The \$1,000 fine applies if you are 45 percent overloaded. The rest from there down is on a graduated percentage scale. I don't know particularly where you can go with this load except mostly on secondary roads. Our secondary roads are a few feet narrower than our regular highway, number 1 and 2 and so forth. You couldn't haul these loads on 95, supposedly our best built highway and, yet, they try to make us think this is certainly permissible to go on all the rest of the roads within our state. I don't buy that.

They say Roger Mallar favors this all well and good, but I think he is letting his heart rule his head just a little mite. He doesn't have any money for us to keep our secondary roads and our state highways properly maintained now. Furthermore, I think quite a lot of the people that drive cars, the people that are not in the trucking business that don't have the commodities to move, I think we have got to give them some consideration. I think they are the people that had a lot to do in the referendum vote, so I would urge you to give these things careful consideration before you make up your mind on this, but definitely oppose this bill.

I know from my area, talking with those that do trucking and that haul potatoes down over the highways into Massachusetts, New York and as far south as Florida and west of the Mississippi River, the regular truckers oppose this bill and I hope you people here will.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: My community, like many communities in Maine, has a problem, and that problem is called the Gardiner-Randolph bridge which many of you travel over. As I understand it the bridge was supposed to be posted and what are we going to do, put the State Police weighing station at either end of these dangerous bridges?

Last fall, we had many meetings between Gardiner and Randolph with the Department of Transportation. Mr. Dick Luettich has been the chairman of these meetings. My question to him, and this was before the referendum, how safe is the Gardiner-Randolph Bridge? His answer to me was and to the rest of the people, "under the present weight laws the Gardiner-Randolph is safe." Now, if we pass this bill here today there is going to be a lot of people have a lot of apprehension in the city of Gardiner and Randolph as people that travel from Lewiston to the coast and I would support the motion for indefinite postponement.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to pose a question to some member of the Transportation Committee or a member of the House if I could.

It is my understanding that the federal government, as a result of an act of Congress, the latter part of the last session passed a bill which allowed weights on interstate highways to be increased to 90,000 pounds. It is my understanding that this bill accomplishes that end today, but how can we justify increasing weights on secondary roads in the State of Maine to 90,000 pounds if the federal government only allows 80,000 pounds on interstate highways which I think everyone would agree are far better roads, far better constructed roads to travel on.

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

Mr. STROUT: Mr. Speaker and Members of the House: In answer to the gentleman's question, I would say that I think the proposal we have before us today is a step in the right direction to operate on the highways off the interstate basically with less weight than we are doing now. Now, the six axle law will spread it over a longer body, but let's stop and think for a minute, as I said before, the five axle law at the present time allows the Forestry

Products Association to haul 73 to 80, plus 10, plus 15, which brings it up to 92,699.

The bill has been mentioned here a couple of times this morning that we still have in committee increasing the weights up to 80,000. I wonder how many have looked at that bill and realize that with five axles we are going to give them 10 percent, plus 15, which will bring it up to 102 for five axles and what you are looking at today is a bill that gives you 80 plus 10. So, what you are saying, this bill here, for six axles, gives you 90 plus 10, a 99. The bill which we have in committee which everybody seems to be all in favor of is going to allow 102 on five axles.

Ladies and gentlemen of this House, I submit to you that if you want to continue to have the roads damaged the way they are, then I would wholeheartedly say today that the motion to indefinitely postpone this bill would be in order and if this is what you want to continue to do, that is the way you should vote.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just in answer to the remarks by the good gentleman from Corinth, I think what we should do is handle the bill that is before us right here this morning and I think the House itself will express its opinion when the other bill comes out of the Transportation Committee. We are concerned with the bill that is here this morning and this has got problems, and I would assume, not knowing what the committee is doing, that the other one might have some problems as well in the weight allowance.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I would agree with the remarks of an earlier speaker from Easton in regard to the people who voted on the referendum last year. I think they did know what they were voting on and that their sentiments probably should be respected. I think a great deal of information was put out on both sides and people were aware of what they were voting on.

I read with interest a communication distributed by Representative Fraser from the Transportation Committee last week which called our three to two margin a rather close vote and went on from there. I would suggest that in future elections most members of this House would like to win those elections by such close votes three to two margin.

I would raise another question. I read in the newspaper a remark attributed to a member of the Transportation Committee who said he didn't feel that the roads could be damaged any more by ten trips of trucks carrying 80,000 pounds for a total of 800,000 pounds than eight trips of 10,000 pounds. As a former engineer who knows something about weight distribution and pounds per square inch or grams per centimeter, whatever measure you wish to use, I find that a rather remarkable statement. I would suggest to that gentleman that now that the ice is going out that he find a stretch of ice that is calculated to carry about a 275 pound load and ask him if he would prefer to carry eight 100-pound bags of potatoes over that ice or ten 80-pound bags of potatoes and take his chances. I think the answer is rather clear.

I would just say in closing that some of the questions that members of the

Transportation Committee have raised in regard to present abuses should be corrected, and some of them perhaps along the lines of this legislation. I certainly would not support this bill in its entirety to gain that end. I think we can do that independently.

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

Mr. FRASER: Mr. Speaker and Members of the House: I just had a question posed I thought I ought to answer. I am the one who made that remark that the road would be worn not any more with eight loads weighing 100,000 or ten loads weighing 80,000 and I still believe it, but comparing it to a piece of ice, that is a different thing altogether. You are not driving your loads on ice, you are driving on roads that are built for these things. Ice is only built for whatever happens to be at the time.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I said I wouldn't speak on this bill, but just to make one correction, very briefly. At the present time, the maximum limit that can be hauled nine months of the year on any truck in the State of Maine with a tolerance is 80,608. The tolerance law reads it will be 73,280 pounds with 10 percent tolerance for certain items. The 15 percent tolerance that the gentleman from Corinth, Mr. Strout, has spoken of is only for the three frozen months, December, January and February. January and February can have 15 percent and this costs us additional license, which is an income to the state. Right now the maximum load that can be hauled anywhere in the State, unless under a special permit, is 80,608 pounds.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I am still going to dwell on safety. I really believe that this bill will afford more safety to the motoring public than the one they had the referendum on. The one they had the referendum on I don't think anybody understood it to tell you the truth, even though it has been stated here on the floor that many people did understand it. I for one did not and I think there are a lot of others like myself.

I will say this, they are talking about the destruction of the roads with these heavy trucks. I wonder if we are going to have a measure here pretty soon to forbid the frost from getting in the ground. I think that destroys the roads more than the truck does.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Jensen, that the House indefinitely postpone Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles," House Paper 1223, L.D. 1211 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.



**ROLL CALL**

YEA — Albert, Bachrach, Bagley, Bennett, Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Dow, Durgin, Dyer, Farley, Farnham, Finemore, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Henderson, Hewes, Higgins, Hinds, Hobbins, Hunter, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, Laverty, Lewin, Littlefield, Lunt, Mackel, MacLeod, Mahany, Martin, A.; McBrearity, McKernan, McMahon, Mills, Mitchell, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Quinn, Raymond, Rideout, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Truman, Tyndale, Usher, Wagner, Walker, Wilfong.

NAY — Berry, G. W.; Berube, Binnette, Burns, Bustin, Conners, Doak, Drigotas, Faucher, Fenlason, Fraser, Garsoe, Gray, Hall, Hennessey, Hutchings, Immonen, Jacques, Kauffman, Leonard, Lewis, Lovell, Lynch, MacEachern, Martin, R.; Maxwell, Morin, Morton, Peakes, Pierce, Powell, Rolde, Rollins, Saunders, Shute, Smith, Strout, Susi, Theriault, Torrey, Twitchell, Webber, Winship, The Speaker.

ABSENT — Ault, Dam, Dudley, Hughes, Jalbert, LaPointe, LeBlanc, Lizotte, Miskavage, Mulkern, Silverman, Snow.

Yes, 95; No 44; Absent, 12.

The SPEAKER: Ninety-five having voted in the affirmative and forty-four in the negative, with twelve 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 now move that we reconsider our action and I hope you will vote against me.

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

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

Sent up for concurrence.

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

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

Tabled — March 26, by Mr. Kelleher of Bangor.

Pending — Passage to be Enacted.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the seventh 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 26, by Mr. Davies of Orono.

Pending — Passage to be Enacted.

On motion of Mr. Davies of Orono, retabled pending passage to be enacted and tomorrow assigned.

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

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

Tabled — March 27, by Mr. Hobbins of Saco.

Pending — On motion of Mr. Stubbs of Hallowell to Indefinitely Postpone Bill and Accompanying Papers.

On motion of Mr. Stubbs of Hallowell, retabled pending his motion to indefinitely postpone and specially assigned for Thursday, April 3.

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

Bill "An Act Appropriating Funds to the Department of Mental Health and Corrections for the Establishment of a Short Term Adolescent Inpatient Care Program" (H. P. 1231) (Committee on Reference of Bills suggested Committee on Appropriations and Financial Affairs)

Tabled — March 27, by Mr. Tierney of Durham.

Pending — Reference.

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

**(Off Record Remarks)**

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