

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, April 23, 1975

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

Prayer by Father Laurent O. Patenaude of Waterville.

The journal of yesterday was read and approved.

(Off Record Remarks)

**Papers from the Senate
Report of Committee
Referred to the Committee on
Legal Affairs**

Committee on Judiciary on Bill "An Act Concerning the Landlord-Tenant Relationship in Mobile Home Parks" (S. P. 432) (L. D. 1418) reporting that it be referred to the Committee on Legal Affairs.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Legal Affairs.

In the House, the Report was read and accepted in concurrence and the Bill referred to the Committee on Legal Affairs in concurrence.

Non-Concurrent Matter

Bill "An Act to Prohibit Corporal Punishment of Pupils" (H. P. 275) (L. D. 417) which was indefinitely postponed in the House on April 9.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-115) in non-concurrence.

In the House:

Mrs. Bachrach of Brunswick moved that the House recede and concur.

Thereupon, Mr. Silverman of Calais requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Brunswick, Mrs. Bachrach, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Thereupon, Mr. MacEachern of Lincoln moved that the House insist.

Mr. Finemore of Bridgewater requested a division.

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

Mr. SILVERMAN: Mr. Speaker, would the gentleman from Bridgewater please explain the division he just asked for.

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

Mr. FINEMORE: Mr. Speaker, I would ask you to vote against the motion to insist or insist and ask for a committee of conference and then I would make a motion to adhere to our former action.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House insist. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 53 having voted in the negative, the motion did not prevail.

Mr. Finemore of Bridgewater moved that the House adhere.

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

Mr. HENDERSON: Mr. Speaker, I would move that we insist and ask for a committee of conference, which I think is in order, and I think there is some difference between these two Houses and I think we can work out our differences and I hope you will give us a chance.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have had quite a lot of correspondence on this, quite a lot from our teachers and superintendents, and I believe we should vote down this motion to insist and ask for a committee of conference and move to adhere. I don't think there is anything we can come up with. It is just a simple bill, so we aren't going to come up with anything other than either kill it or pass it. I hope this morning you will vote against this motion to insist and ask for a committee of conference.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House. I am quite certain when this bill came before us last time it was thoroughly debated and we had a good margin that decided that this bill was not needed at this time in the State of Maine. Therefore, I would like to see you vote no to the motion to insist and ask for a committee of conference and then we can adhere, and that will stay with our previous thought of having this bill not be passed in this session.

Thereupon, Mr. Ault of Wayne requested a roll call vote.

The SPEAKER: 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 Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker and Members of the House: This bill is not as simple as it might seem. There are several different aspects of it, some of which are more controversial than others, and I think that with a committee of conference we can work out some of the problem areas and still provide a constructive alternative to the present situation, which is having no law at all and no guidelines.

So I do hope you will give us this one chance to work out our differences and try to come back with a constructive proposal.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: There may be some things in this bill that could be patched up that regular fellows like myself don't understand. But it is just a simple yes or no. It is either we want it or we don't want it, and I don't think there is anything to be patched up. If we don't want it, let's vote against this. If we do want it, why that is a different proposition.

I don't think we should be flim-flammed this morning into thinking there is something you can do to correct something that can't be corrected.

The SPEAKER: A roll call has been ordered. The pending question is on the

motion of the gentleman from Bangor, Mr. Henderson, that the House insist and ask for a committee of conference. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Boudreau, Bustin, Cooney, Davies, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jensen, Kany, LaPointe, Maxwell, Mitchell, Nadeau, Najarian, Pelosi, Post, Quinn, Rolde, Saunders, Spencer, Tierney, Truman, Wilfong.

NAY — Albert, Ault, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Byers, Call, Carpenter, Chonko, Churchill, Clark, Connors, Cote, Curran, P.; Curran, R.; Dam, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Gray, Hall, Hewes, Hunter, Hutchings, Immonen, Jackson, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McBreaarty, McManon, Morin, Morton, Norris, Palmer, Perkins, T.; Peterson, P.; Pierce, Powell, Raymond, Rideout, Rollins, Shute, Silverman, Snow, Snowe, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Tyndale, Usher, Walker, Webber, Winship.

ABSENT — Bennett, Blodgett, Carey, Carroll, Carter, Connolly, Cox, Curtis, DeVane, Dudley, Faucher, Higgins, Hinds, Jacques, Jalbert, McKernan, Mills, Miskavage, Mulkern, Peakes, Perkins, S.; Peterson, T.; Smith, Wagner.

Yes, 30; No, 95; Absent, 24.

The SPEAKER: Thirty having voted in the affirmative and ninety-five having voted in the negative, with twenty-four being absent, the motion does not prevail.

Thereupon, on motion of Mr. Finemore of Bridgewater, the House voted to adhere.

Thereupon, Mr. Finemore of Bridgewater moved that the House reconsider its action whereby it voted to adhere.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House reconsider its action whereby it voted to adhere. 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.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Extend Date for Closing of Open Burning Dumps" (Emergency) (H. P. 1464) (L. D. 1502) which was passed to be engrossed in the House on April 9.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-83) in non-concurrence.

In the House: On motion of Mr. Palmer of Nobleboro, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Relating to Dealers in Used Personal Property" (H. P. 502) (L. D. 618) which was passed to be engrossed as amended by House Amendment "C" (H-124) as amended by House Amendments "A" (H-129) and "B" (H-130) thereto in the House on April 8.

Came from the Senate passed to be engrossed as amended by Senate

Amendment "B" (S-85) in non-concurrence.

In the House:

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

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

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: When this bill came out of our committee, it was a good bill. It was beneficial to both the dealer and the consumer. This bill has been played around with, amended to death, and this is a \$50 amendment on there now. I can't see that it is going to do what it was intended to do. I therefore move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair would advise the gentlewoman that the motion to indefinitely postpone the bill at this time would not be in order.

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

Mrs. BOUDREAU: Mr. Speaker, I would request a division on the pending motion.

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

Mr. STUBBS: Mr. Speaker and Members of the House: I would only point out to the members of the House that this bill comes back identically the same as we sent it to the Senate, other than the fact that it has got a \$50 minimum on it instead of the \$25 minimum that we sent to the other body. I reconsider its action whereby it voted to

The SPEAKER: The pending question is on the motion of the gentleman from Hallowell, Mr. Stubbs, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

Mr. Stubbs of Hallowell moved the House reconsider its action.

The SPEAKER: The gentleman from Hallowell, Mr. Stubbs, moves the House reconsider its action whereby it voted to recede and concur. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

16 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

Non-Concurrent Matter

Bill "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs" (H. P. 1491) (L. D. 1739) which was passed to be engrossed in the House on April 15.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-74) in non-concurrence.

In the House: On motion of Mr. Cooney of Sabattus, the House voted to insist and ask for a committee of conference.

Orders

On Motion of Mr. Albert of Limestone, it was ORDERED, that Steve Gould of Old

Town be excused April 25th and 29th for Health reasons,

AND BE IT FURTHER ORDERED, that Elmont Tyndale of Kennebunkport be excused May 1st and 2nd for Legislative business.

Mr. Hall from Sangerville presented the following Joint Order and moved its passage: (H. P. 1529) (Cosponsor: Mr. Smith of Dover-Foxcroft)

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government of the 107th Legislature report out a bill by May 1, 1975, which provides that the Bureau of Forestry shall undertake random verification of the accuracy of the scaling of truckloads of pulpwood buyers.

The Order was read and passed and sent up for concurrence.

Mrs. Najarian of Portland presented the following Order and moved its passage:

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

WHEREAS, it is the desire of the 107th Legislature to enact legislation to amend public laws relating to education; and

WHEREAS, there is pending before the House of the 107th Legislature a bill entitled: "An Act to Fund Public School Education," House Paper 1437, Legislative Document 1452; which Act is tabled in the House, pending final enactment, having been finally enacted in the Senate, awaiting the Court's response; and

WHEREAS, the Legislature has suspended statutory requirements for the timing of passage of school budgets until April 30, 1975, and is contemplating a further extension of said date; and

WHEREAS, municipalities, School Administrative Districts and other administrative units are unable to raise and appropriate taxes for school purposes until the Legislature acts; and

WHEREAS, Article IX, Section 8, of the Constitution of the State of Maine provides that all taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof; and

WHEREAS, the constitutionality of the "excess assessment" provisions of the proposed bill have been questioned as they relate to the Constitution; and

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

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

Question: Would the "excess assessment" provisions of Legislative Document 1452 (Exhibit A), if enacted into law, violate the provision of Article IX, Section 8, of the Maine Constitution, which requires that all taxes upon real and personal estate, assessed by authority of the State, be apportioned and assessed equally, according to the just value thereof?

The Order was read.

Thereupon, the Order was tabled under the rules pending passage and tomorrow assigned.

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

Bill "An Act Extending the Time During Which School Budgets May Be Adopted" (H. P. 1530) (Presented by Mr. Lynch of Livermore Falls) (Approved for Introduction by a Majority of the Committee on Reference of Bills Pursuant to Joint Rule 10)

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

Mr. HEWES: Mr. Speaker, I would pose a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, or someone else, as to what the ultimate time period is to be. I personally hope that it is not just to May 15. We don't have the bill in front of us, and I would hope it would be at least until May 31, or even June 1.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, poses a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, and the Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, the bill spells out May 31, but I think the legislature has to recognize that while we have set the date at May 31, this problem has to be resolved before May 15 in order to provide the municipalities time to take care of what they have to do.

Thereupon, under suspension of the rules, the Bill was read twice and passed to be engrossed without reference to any committee and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committees

Ought Not to Pass

Mrs. Durgin from the Committee on Election Laws on Bill "An Act to Require the Use of Voting Machines in Municipalities of More than 5,000 Population" (H. P. 392) (L. D. 484) reporting "Ought Not to Pass"

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

Mr. Teague from the Committee on Labor on Bill "An Act to Permit Owners of Motor Transport Companies who are Assenting Employers under the Workmen's Compensation Act to Refuse to Insure Themselves or their Families under that Act" (H. P. 783) (L. D. 954) reporting "Ought Not to Pass"

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: I just wish to put on the record the notation that item 2 is in error, that this is a fine piece of legislation, sponsored by the Representative from South Portland, Mr. Dyer, but that we have covered this piece of legislation with another bill which is up for enactment today and that is why it was reported like this.

Thereupon, was placed in the Legislative Files pursuant to Joint Rule 17-A.

Leave to Withdraw

Mr. Snow from the Committee on Labor on Bill "An Act Relating to Applicability of Workmen's Compensation to Certain Employees and to Repeal the Penalty Provision" (H. P. 934) (L. D. 1157) reporting Leave to Withdraw

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act to Grant Full Retirement Benefits to All Members of the Maine State Retirement System after 30 Years Creditable Service" (H. P. 863) (L. D. 1072)

Report was signed by the following members:

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

— of the Senate.

Messrs. LEONARD of Woolwich
USHER of Westbrook
NADEAU of Sanford
MacEACHERN of Lincoln
THERIAULT of Rumford
CURTIS of Rockland
MORTON of Farmington

Mrs. LAVERTY of Millinocket
Mrs. KELLEY of Machias

— of the House.

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

Report was signed by the following member:

Mr. POWELL of Wallagrass Pt. Plantation

— of the House.

Reports were read.

On motion of Mr. Theriault of Rumford, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Consent Calendar**First Day**

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

Bill "An Act Concerning the Registration of Certain Pickup Trucks" — Committee on Transportation reporting "Ought to Pass" (S. P. 117) (L. D. 382)

Bill "An Act to Repeal Certain Unconstitutional Provisions of the Election Laws" — Committee on Election Laws reporting "Ought to Pass" (H. P. 248) (L. D. 300)

Bill "An Act to Provide for Supervision of Elections by Municipal Clerks" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-191) (H. P. 907) (L. D. 1106)

Bill "An Act Making a Supplemental Appropriation for the Supplemental Security Income Programs for the Purpose of Increasing the Base Rate for Boarding Home Care" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-192) (H. P. 477) (L. D. 597)

Bill "An Act to Amend the Employment Security Law as to Separation Reports" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-79) (S. P. 241) (L. D. 793) 793)

No objections being noted, the above items were ordered to appear on the Consent Calendar of Thursday, April 24, 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 Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registrations" (H. P. 752) (L. D. 927)

Bill "An Act Relating to Throwing

Objects at Emergency Vehicles under the Malicious Mischiefs Law" (H. P. 969) (L. D. 1220)

Bill "An Act Relating to the Release of Mentally Disordered Persons" (C. "A" H-189) (H. P. 719) (L. D. 895)

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

Passed to Be Engrossed

Resolve, to Reimburse Richard Lufkin of Thorndike for Property Damage Caused by Water Runoff from State Highway (H. P. 804) (L. D. 980)

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

Bill "An Act to Increase the Minimum Wage to \$2.50 an Hour" (Emergency) (H. P. 1520) (L. D. 1833)

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

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I simply want to read to the members of the House a reply to Mr. Kelleher's question yesterday. I did attempt to find out the number of businesses that have failed, and I approached the Department of Commerce and Industry and asked them to find out that information, and this is the reply that I received today. "Our development people have kept no list of industrial failures in 1974. Ed Miller, our economist, says that the information is on the computer terminal but is not available through him due to the current budgetary problem."

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I am in a little bit awkward position today. The amendment which we were going to have drafted was somehow erroneously drafted in Legislative Research; therefore, it is not ready, and rather than allow this to sit on the table until later in today's session, until one-thirty or two o'clock, whenever we are going to finally get out of here, I think we will just see if we can get it put on in the Senate, knowing the numerical differences here today.

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

Amended Bills

Bill "An Act to Require the Bureau of Purchases to Publish a Manual on State Purchasing" (S. P. 323) (L. D. 1100) (C. "A" S-60)

Bill "An Act to Increase the Bonded Debt Limitation of the Maine State Housing Authority's Mortgage Purchase Program" (H. P. 584) (L. D. 723) (C. "A" H-182)

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

**Passed to Be Enacted
Emergency Measure**

An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State

Liquor Commission for the Fiscal Years Ending June 30, 1976 and June 30, 1977 (H. P. 709) (L. D. 888)

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. 115 voted in favor of same and 10 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 to Clarify the Definition of Employee in the Workmen's Compensaton Act (S. P. 492) (L. D. 1821)

An Act Relating to a Close Corporation Under the Unemployment Compensation Laws (S. P. 493) (L. D. 1822)

An Act to Provide Vocational Rehabilitation Services to Those Persons who are Deaf or who Have Impaired Hearing (H. P. 165) (L. D. 199)

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

An Act to Provide for Continuity of Treatment by Ambulance Personnel (H. P. 495) (L. D. 613)

An Act Relating to Reallocation of Existing Institutional Resources of the Bureau of Corrections (H. P. 559) (L. D. 688)

An Act to Provide Funds for the Continuation of Children's Mental Health Services within the State of Maine (H. P. 623) (L. D. 777)

An Act Relating to Premiums and Rebates by Class A Restaurants under the Liquor Laws (H. P. 873) (L. D. 1047)

An Act to Create the Maine Fishing Gear Damage Fund (H. P. 1489) (L. D. 1681)

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

Orders of the Day

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" as Amended by Committee Amendment "A" (H-183) — Committee on State Government on Bill "An Act to Provide Low Cost Financing through the Maine State Housing Authority for Nursing Homes and Similar Facilities for Persons of Low Incomes" (H. P. 756) (L. D. 926)

Tabled — April 21, by Mr. Cooney of Sabattus.

Pending — Motion of same gentleman to Accept Majority "Ought Not to Pass" Report.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I was interested in sponsoring this bill for several reasons. I will speak to those in a few minutes from now.

I think I would first like to make a point because there seems to be some confusion on the committee that this particular bill does not in any way extend the credit of the Maine State Housing Authority. What it simply does is to add another type of residential unit to which the Maine State Housing Authority can give financial assistance, that is to nursing and boarding homes.

My concern with this bill is three-fold. First, although it may be questioned that

there is a need for an actual number increase of additional types of nursing home beds, I think there is no question in this state to anybody who has been involved in any of our nursing homes that there is a great need for rehabilitation of these homes, and this is particularly true in the terms of meeting new and more strict licensing requirements. There is a great need in this state for boarding homes for the developmentally disabled and the mentally ill. There are over a hundred clients at this time in Pineland who are not able to leave the institution simply because there are not suitable facilities in the communities.

At the present time, the Bureau of Mental Retardation has made contact with five different groups who are interested in setting up boarding homes for the mentally retarded in their local communities but cannot do so because they are not able to find long-term, low-cost financing. There is also a need for extended care beds within our state. So there is a need for these types of facilities which this bill would hope to assist.

My second concern is that it has a potential savings to the state. Presently, nursing homes or most of the larger nursing homes, are being reimbursed on a cost-plus basis. That simply means that the cost of running the facility is accounted and then that amount plus a percentage for profit is what the boarding home and nursing homes are paid. I think in the future, even a larger percentage of these nursing homes, if not all, will be paid on this kind of basis.

The interest rate which a nursing home pays is figured in as part of the cost. Therefore, if we lower the interest rates, we have some hopes of lowering the cost to the state. We had some figures during the hearing from the Department of Health and Welfare that indicated that if all the present nursing home beds were financed under this kind of a setup and were paid on a cost-plus basis, the potential savings to the state would be \$1,250,000 per year.

The third concern which I have with this bill, and actually as far as I am concerned is the most important, is the need we have in our state for alternative kinds of living situations for both the elderly and the developmentally disabled. Right now, it is very difficult for small, non-profit groups to get financing to provide these kinds of living situations. In order to get financing from a bank, a non-profit group usually has to have been in existence for ten years. Since the needs for the community living situations for the mentally retarded have only been fairly recently organized, these groups are rarely more than two or three years old.

I have been personally involved with a non-profit group in our area that has tried to get financing and has not been able to. I think we need to be able to provide alternative kinds of living situations for the large 50-bed nursing homes, to the large 50-bed homes for the mentally retarded, and the only way these are going to be provided is if we allow some competition in this field, and part of that competition for alternatives can come from non-profit groups. It seems to my mind that the only way they are going to be able to get the kind of financing that they require is through this kind of assistance. So for these reasons, I ask you to vote against the "ought not to pass" motion.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and

Gentlemen of the House: Mrs. Post just told you about the need and I don't think anyone on the committee, the ten members who signed "ought not to pass" didn't have some sympathy with the need in terms of the elderly, retarded, whoever might have a need for some kind of nursing home facility. However, there were a number of very real concerns that we had with this bill, which proposes a new method of financing and I will relate them to you briefly because I have to perhaps talk on a couple other measures this morning and I know we have a long calendar, but this is important.

First of all, I told you yesterday about the mortgage purchase program and I explained how that financing situation worked with the Housing Authority in regard to home mortgages. What Mrs. Post's bill proposes to do is to extend that to non-profit or to nursing home facilities and what we, the committee, believes is safe with housing, we are not so sure it is safe with a commercial enterprise, a commercial enterprise, non-profit or not, that would have to do with nursing homes, some kind of extended care facilities.

In other words, you have a home mortgage that might be purchased by the Housing Authority. If someone defaults on that mortgage, the house still has a value. The Housing Authority has not sustained an economic loss but if a non-profit nursing home or boarding homes does not make it financially, who is going to buy it? Where is the market for nursing and boarding homes that can't make it, so we see there is a risk.

Secondly, do you want to put the Housing Authority into this new market? We have all the work we can handle right now in the Housing Authority, just trying to administer the mortgage purchase program that we have going in the other related projects.

Now, Mrs. Post's bill, if you want to look at the specifics of it, calls for this kind of a financial arrangement for nursing homes. It was not very specific and so we ask the Housing Authority for some more specific language, because we felt if we were going to do anything, it would really have to be nailed down. They came back to us with an amendment, a one-line amendment that said that in order to qualify for the Housing Authority assistance, you would have to have a 30 percent occupancy of low-income-type people. Well, that may sound just dandy, but does that 30 percent occupancy apply at the time the financing is done? Does it apply every day that the home is in operation? What is the meaning of that? We just felt that it was so vague and it would require so much work to try to get the thing specific enough so the Housing Authority and the State's credit would be safe, the Housing Authority wasn't doing it, Mrs. Post, evidently, didn't feel it was necessary and the committee didn't want to be involved in it at this time, so we felt that that provision, the actual language of the bill, was not adequate.

I think you feel just as I feel, that we should move cautiously with the extension of the state's credit. You and I know that Moody's has dropped our triple A rating to a double A rating and we have information that the State Housing Authority is in good shape financially. Their outstanding bonds are not jeopardizing our rating, but I ask you, if we start to purchase mortgages for nursing homes that are essentially commercial type ventures, whether they are profit or non-profit, would that have

anything to do with our credit rating? I think you could say, it could and so for these reasons, the committee felt that this bill should not pass at this time. So I sincerely hope that we would accept the "ought not to pass" report.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentlewoman from Owls Head, Mrs. Post. I am very disappointed in the committee report because I think this is a good bill and that it is badly needed.

Many of you may not realize it now, but there is a crisis in the nursing home industry in Maine. It is caused by the federal fire regulations and I recently came upon this because a home in Bath had to close, a small home which was giving excellent care, in which my grandmother was a resident. It closed because of federal fire regulations, and I was told by Mr. Carney at the Division of Hospital Services that possibly as many as 75 homes in Maine of this type may have to close because of the same regulations, and there are no alternatives for these people.

Also, there is another problem with the other kind of nursing homes, the nursing home which is not meeting state regulations, which is not providing quality care. What threat does the department have in telling these homes that they are going to close them down if they don't meet those standards of care? We have no alternatives; we have to put them out on the streets.

Also, as Mrs. Post said, this bill would help preserve the integrity of the cost audit system of reimbursement. It would help reduce the cost to the state without reducing the quality of care.

I don't think there would be any great risk in this particular piece of legislation. The nursing home industry, for the most part, is a very, very, lucrative business and the homes which would be built under such a program would be the kinds of homes which have a waiting list right now. So, I don't think there is any real risk to the state and I don't think there would be any problem in having 30 percent of the patients or residents low income, because about 65 percent of all patients in nursing homes now are state aid patients.

I would hope that you would vote against the "ought not to pass" report and accept the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I would just like to pose a rhetorical question through the Chair to the gentlelady of Bath. If, in fact, 75 homes in this state closed, would that not create a demand for nursing homes that would be such that conventional financing would therefore be available to anyone who wished to build a new home?

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: On the particular point that Mr. Cooney raised, I think the question is two-fold. I think Mrs. Goodwin brought up the point that because there is little competition in the field, many times programs that are very marginal are not closed simply because there are no other places to put the patients. We have three very large boarding homes in Knox County alone. I would have questions about the lives of any of those people living in that

home and yet I know that the social workers have no choice but to have the patients remain in the homes because there are simply no other facilities in the area. At the same time, there are two groups who are interested in setting up small, group homes for about 10 to 12 individuals apiece, with a house parent there, who are simply not able to do so, even though they have the houses available, they have the programs all ready, simply because they cannot find long-term, low-cost financing.

The other question is that when the boarding homes close, what kind of facilities do we want to take their place? In any case, when new homes are built, if they are built with the present kind of financing that is going to be a cost that is eventually going to have to be borne by the state. We all know what that means, which is the taxpayer.

In terms of the point that Mr. Cooney mentioned previously, which was the need to be more specific in this bill, I think it was the feeling of the Maine State Housing Authority, and I assumed it was the feeling of the committee, that the same rules and regulations that now apply to low-cost financing for housing would apply to nursing homes. If you want to look in your statute books, this amendment goes in the same area where we find the other kinds of things the Maine State Housing Authority gets involved with, those same kinds of regulations on how long people who are low income remain in those houses or in those units or those nursing homes apply no matter whether it is a residential housing unit or whether it is a nursing home.

I think the question we are faced with today is whether the Maine State Housing Authority is going to give its assistance not only to people who are able to live in individual units or in apartments but whether we are going to give that same kind of assistance to those who are perhaps less fortunate, whether we are going to give that same kind of assistance to the elderly, the developmentally disabled and to the mentally ill who are not able to live on their own. But, with this kind of assistance, and with the help of groups around the state that are able and willing to help them, we would be able to let them live in the communities in as near a homelike situation as possible.

I ask for a division on this.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair and perhaps Mr. Cooney can answer it. That would be as to the legality of using this money for nursing homes. As I understand it, the Maine State Housing Authority can only loan money to low-income people because low-income people are qualified to meet a public need. I am familiar with it because I tried to tap the Maine Housing Authority for veterans and was told that it possibly would have to go to court before that money could qualify for veterans, so I wonder if it is considered whether or not these nursing homes would actually qualify?

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: The gentle lady

from Auburn is speaking about a bill she had relative to veterans under the mortgage purchase program, and if we had passed that particular bill, it would have opened a whole new class of mortgage purchase procedures for the Housing Authority, a class of veterans, and it would not have made any distinction as to their income. It could have been a low income or a high income veteran. So we felt that that had some real legal problems to it and we did not act positively on that because of those reasons.

I think in the case of nursing homes, however, it could be done in that you are purchasing a mortgage that has a certain percentage of low income people in it, and those people would be, I would guess, in some way state aid patients or under state care. So, I suppose this would be possible, but you are giving financial assistance to an organization that would be put in competition with existing homes and you are giving this financial assistance to a commercial enterprise that could fail and therefore could put a burden on the State.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I support the gentlewoman from Owls Head on her motion that her bill ought to pass, because I feel that after having gone to several meetings of the Comprehensive Health Planning Agency on health facilities within the state, these people have run surveys and are aware of the needs of nursing home beds, and I feel that these people would coordinate their efforts with the Maine Guarantee Authority and thus would not duplicate beds where they are not necessary or financially feasible. I therefore would urge you to support the gentlewoman from Owls Head.

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

Mrs. KANY: Mr. Speaker and Members of the House: Actually the question of our bond rating had come up, so I thought I would speak to this issue. Yesterday, I called Moody's in New York, who is the bond rating agency, and I was primarily interested in another bill which would raise the Housing Authority's debt limit from \$100 million to \$150 million, and I thought perhaps our bond rating would be questioned on that. I know one legislator was interested in that particular aspect. But I would like to relay what Mr. Phillips said, who is the director of the bond rating for public bonds, and I asked him if I could quote him, and he said that I could. We had never really been able to get specific information out of Moody's before. The committee had requested it as to why our bond rating had been lowered from triple A to double A one year ago now, and he indicated that beyond going and looking at the per capita debt, which is number one, that of course it is a subjective measure, it is a forecast, actually, of what they expect from the state in the future. Primarily, Mr. Phillips said that they were looking at the trend, and the trend in this case that was available to them to look at was the population statistics, number one, in which we supposedly had a static population. Of course, this has changed and indications are now that we will have a population growth and consequently can expect some economic growth. So this was number one, our static population that they looked at that time.

Secondly, he also mentioned that it had

been some kinds of financing which we had done, primarily on Evergreen Valley and of course our Sugar Beet Refinery fiasco, But he indicated that our state, in no way had our bond rating been hopelessly lowered, and he felt that raising the bond limit for the Maine Housing Authority would in no way hamper the possibility of our almost immediately recovering our triple A rating, so I just thought I would share that with you, and I urge you to support Mrs. Post's bill.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to add to Mrs. Kany's remarks. The State Treasurer told me this morning that he talked with Moody's yesterday and they are particularly pleased that we have lowered the authorization for the Maine Guarantee Authority from \$80 million to \$40 million, and that is the one type of thing that we can do to improve our bond rating. He said it was a good trend in Maine and they would be taking another look at it in the very near future. I also support Mrs. Post's bill to finance nursing homes.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to this debate here with reservations. However, in my own community we have been through this nursing home business. We have right now an application from a gentleman to build a 150-unit nursing home and he has the money to build it. He isn't going out for any mortgages. However, today a nursing home cannot operate on a percentage of any profit with less than 100 units.

If you take the average 20 by 20 room, 100 units, and we will say the cost of construction today at \$25 a square foot, in order to comply with the federal, state and environmental regulations, you are talking a million dollars per unit. I sincerely believe that in order to help our elderly people, and we are getting more and more each day who have to go into a nursing home, I urge you to support the "ought to pass" report.

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

Mrs. GOODWIN: Mr. Speaker and Members of the House: I would like to respond to the "rhetorical" question of the State Government Chairman. He asked if it is true that many homes in Maine are having to close, would it not then be possible for people to get mortgages by more conventional means? Yes, some people can. Nursing homes are being built in Maine, but they are being built by corporations. They are being built, for instance, by a chain in Boston, such as a chain of supermarkets. I really don't think we want to approach the nursing home industry like a chain of supermarkets. I would hope that individuals, people who are really interested in building homes, staying in those homes and providing quality care will be able to get a loan to do so.

For instance, in Bath, the home that I was talking about, they couldn't even afford to make the renovations to meet the federal standards, let alone build a new nursing home. So I think there is a very very great need for this, and I would request the years and nays.

The SPEAKER: The Chair recognizes

the gentlewoman from Auburn, Mrs. Snowe.

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: I called the Department of Health and Welfare to see how many nursing homes would qualify under this amendment, which stipulates that at least 30 percent of the occupants or proposed occupants of such facility shall be state aid recipients. There are 6,780 beds for intermediate care in this state and 4,363 of state aid recipients. In other words, 99 percent of the nursing homes in this state would qualify under this bill. I think at this time we are leaving the door wide open, and I don't think the Maine Housing Authority should be getting into this area until we carefully perceive.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think this is one problem, but there is another associated with it. On the federal and state level we are so all wise in devising rules and regulations that we are forcing many of these people out of business, we are forcing many small businesses to the brink of bankruptcy, and I think we ought to address ourselves to those problems as well as financing new homes.

Mr. Cooney of Sabattus was granted permission to speak a third time.

Mr. COONEY: Mr. Speaker, a question to the gentleman from Bath, what would keep your out-of-state supermarket nursing home firms from getting the same assistance as the people you feel should get it?

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

Mrs. BERRY: Mr. Speaker and Members of the House: I think there is another end of this that we should look at. I was talking with the department yesterday in regards to one of my constituents who is ready to buy a home. He has had it inspected and is ready to be licensed when he signs the deeds and then he goes back to the department and says, when can I get my Pineland patients, and they say, well, we can't guarantee that you are going to. He is just looking for two to six, so I don't believe the department is going to guarantee any of these homes the clients right away. I think it is too bad that if there are that many that need to go out and the department says we just can't guarantee. I think we should look at this end of it.

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 Sabattus, Mr. Cooney, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Provide Low Cost Financing through the Maine State Housing Authority for Nursing Homes and Similar Facilities for Persons of Low Incomes," House Paper 756, L. D. 926. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Birt, Bowie, Burns, Byers, Call, Cooney, Doak,

Drigotas, Farnham, Fraser, Garsoe, Gauthier, Goodwin, H.; Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Laverty, Lewis, Lizotte, Lovell, Lunt, Lynch, Martin, A.; McBreaarty, Morin, Morton, Nadeau, Palmer, Peterson, P.; Pierce, Raymond, Rideout, Rollins, Snow, Snowe, Sprowl, Strout, Stubbs, Torrey, Truman, Twitchell, Walker, Webber.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Dudley, Durgin, Dyer, Farley, Fenlason, Finemore, Flanagan, Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hughes, Hutchings, Ingegneri, Jacques, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, LeBlanc, Lewin, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell, McMahon, Mills, Miskavage, Mitchell, Mulkern, Najarian, Norris, Peakes, Pelosi, Perkins, T.; Peterson, T.; Post, Powell, Quinn, Rolde, Saunders, Shute, Silverman, Smith, Spencer, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Tyndale, Usher, Wilfong, Winship, The Speaker.

ABSENT — Carey, Curtis, Faucher, Gray, Hobbins, Jalbert, Leonard, Littlefield, Mackel, McKernan, Perkins, S. Wagner.

Yes, 47; No, 91; Absent, 12.

The SPEAKER: Forty-seven having voted in the affirmative and ninety-one in the negative, with twelve being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-183) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature (H. P. 1510) (L. D. 1827)

Tabled — April 21, by Mr. Birt of East Millinocket.

Pending — Passage to be Engrossed.

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-184) was read by the Clerk.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is a federal concept to the State Constitution, which you are now considering that provides for annual sessions of the legislature. We have been having annual sessions in some degree for quite some years, but they were actually being done under a province of special session, which the Constitution allows us to do. Personally, I believe that we should face up to this problem and establish an annual session in the Constitution, but I am not convinced that the people in the state want an amendment to the Constitution which has no guidelines on the second session whereby the legislature convenes and actually could bring up any legislation that came before the first session.

There is a general practice throughout most of the states in the country that there are guidelines in the Constitution as to how

the sessions of the legislature will be convened. In fact, many states have guidelines in there as to the number of days they can meet in the first annual session, or what would be so-called the regular session.

I realize that in some cases there are evasions of this, that they do such things as cover the clocks and things of that nature, but there are still compelling pressures on the legislatures to conclude their business and get it done in a reasonable order.

This amendment which I propose to the bill before you would require that the second regular session be limited to four matters: Budgetary matters, and this would allow us to go into an annual budget if we want to instead of the biennial budget, and it may be one of the more compelling reasons as to why we should have annual sessions. It allows legislation which is in the governor's call, which presently can be done and is in the Constitution, whereby the governor can call the legislature into session at any time it desires and will specify usually what it is called for. It also requires legislation of an emergency nature admitted by the legislature. Now we can do this by statute or we can do it by joint rules, but if we allow this laxness in there, what kind of guidelines do we have? Eventually they will become looser and looser and we will be finding more and more legislation introduced.

I believe that if we are going to do this, we should do it right and put it in the Constitution where it belongs so the guidelines are as tight as possible. It does leave a fourth area in that allows bills to be referred to committees and then come back. The committee report will automatically — the study reports being done in the interim between legislative sessions will be allowed to be introduced into the legislature.

I frankly think this is the direction the people in the State of Maine prefer to go, and I would hope you would adopt this amendment.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of House Amendment "A" and would speak briefly.

Mr. Birt has explained to you the general subject area, and I think the question boils down to what should be in the Constitution and what should be elsewhere.

The Committee on State Government has reported out, I think it was an 11 to 2 "ought to pass" report on this favoring a very general amendment to the Constitution providing for annual sessions.

Why should we limit the session? Well, Mr. Birt has just given you some good suggestions, and I don't disagree with him. The question is, should those limitations be in the State Constitution? I think that the committee feels that they should not, that the place you want to put limitations is into the statutes or into the joint rules, and I might point out to you that Joint Rule 28 that we now operate under has to do with measures rejected at a regular session and says that no measure which has been introduced and finally rejected in the regular biennial session should be introduced at any special session of the same legislature, except by a vote of two thirds of both houses. That is the kind of thing that can obligate us in trying to be responsive to what should be and what shouldn't be accepted into a special session of the legislature.

It seemed to the committee, and I hope it seems to you, that the more restrictions that you put into the Constitution, the shorter the life of the amendment that we are talking about. If you put restrictions into the Constitution, it just begs abuse, and I don't want to put things into the Constitution that are going to beg our abuse, and I think we all know of states that have time limitations and do turn back clocks or do hang cloths over the clocks; let's not do that here.

We know of states that have a limitation for the special session that says they must have a budgetary importance. Well, we could put a dollar on every bill and abuse that, and I don't want to see these things abused. I want to see the Constitution validate what we are in fact doing, having annual sessions, and let us, as times change, change our laws or joint rules, but let's have our Constitution be a more permanent and lasting document.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support Mr. Birt's amendment. I would remind the good gentleman, Mr. Cooney, that it does not propose a time limit, one that would necessitate covering clocks and so on, but a limit only on what might be introduced.

After listening to our Governor outline our current financial problems yesterday, I am sure that whatever the action of this legislature might be, the people of this state will not approve annual sessions in any event. They will certainly not approve them without some kind of time limit or limitation on what might be introduced.

Now if the truth were known, I favor annual sessions, and I favor them with a time limit in each year, but I realize the arguments of Mr. Cooney in that respect are quite valid, but I think Mr. Birt's amendment is a realistic and a reasonable one, and I hope it gets our support.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This is my fourth term in this honorable body, and it will be the first time that I am going to support annual sessions. Because of the complexities of governmental operation, I have to agree with the gentleman from Sabattus, Mr. Cooney, that Mr. Birt's amendment should be indefinitely postponed. It is rather a trying experience for myself as a legislator and particularly for you freshmen that are legislators that will be putting bills in at a special session to go before the Reference of Bills Committee and have them review your request. And believe me, it is not an easy thing to get bills in.

Government today, as we all know, can't be run on a two-year basis, as we have been doing it here in the State of Maine, that each and every bill that is presented before the Reference of Bills Committee at a special session deserves the utmost consideration. They may not be of any importance to me or to you, but they are to the members that are presenting them for their constituents and for their community. So I think that we should not put a real limitation on us legislators and particularly the constituents that we represent by accepting Representative Birt's amendment. I can see merit to his amendment, but the overall considering, I think this house should indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: As a signer of the majority report, I rise also to support the gentleman from Sabattus. The Ten Commandments were something like a hundred words, and the Magna Charta was something like 500 words. The U.S. Constitution is in the vicinity of a couple thousand and the State of Maine's Constitution is already beginning to look like a serial. I don't think we need this kind of limitation. I don't think we are sufficiently wise in 1975 to be prescribing what the needs in 1985 might be in this kind of restrictive limitation.

I am perfectly willing to put my faith and trust in the good sense of the rules that each succeeding legislature will make for itself, and I am forced to take exception with the gentleman from Kennebunk. I also feel that the people of Maine most certainly would support the proposed amendment to the Constitution without this amendment.

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

Mrs. SNOWE: Mr. Speaker, Ladies and gentlemen of the House: I, too, am a signer of the majority "Ought to Pass" report. However, I too cannot go along with the gentleman from Millinocket, Mr. Birt's, amendment.

One of the most frequently recurring themes of the movement for legislative improvement has been an attempt to increase both the amount and flexibility of time available to the legislature. A substantial majority of states have instituted annual sessions because of the flexibility it allows. Special sessions have only served to encourage circumventing our Constitution. On the other hand, certainly there have been sound and meritorious reasons for this transgression. Times have changed — the workload of the legislature has greatly increased. The complexity of matters before us are time consuming, and the demands on us as individual legislators have multiplied.

Adoption of annual sessions would also be an attempt aimed at improving the legislative process in its overall time frame of conducting business. We would probably have a well balanced workload between both sessions rather than trying to concentrate on every major issue in one session.

If, in order to maintain a citizen legislature, and we do not alter the size of the House, we should decide sometime in the future, if this measure passes, to limit the length of the second year of the session. However, the legislature should do this by placing a realistic restriction, based on experience and evaluation of the needs of the state, either by rule or by statute. But to place this limitation on the legislature by constitutional amendment, because of its arbitrary nature, would be an unnecessary imposition on the responsibilities of the legislature for the management of its own affairs.

I do think, however, our deliberations on limitations in the second year session, be it budget or length of time, should be carefully considered so as not to put us in a position of circumventing the constitution or finding ways to legally and satisfactorily completing our duties as they should be.

In terms of subject matter restrictions in the second year of the biennium, most legislatures are moving away from that type of limitation, because of the

emergence of other issues, aside from budgetary matters that require immediate consideration by the legislature which would be in the best interest of the state and its people.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I see some need for some kind of restrictions. I agree, I think, with Mr. Birt. I know he is attempting to do what I would like to do, but I don't know if the amendment will do it or not.

Let me tell you that I have been here for many years, as probably a lot of you know by now; I have said it so many times you must believe it. Year after year, we consistently waste time on the same bills and most of them still never pass. Now, I think this is wrong. This is costing the people, the taxpayers of Maine a lot of money. Another thing when I was first here, bills, a lot of them, were never assigned to a committee; now everything goes to committee and it brings the opponents and the proponents, who have to drive way from Fort Kent or Kittery to oppose or send their lobbyists to look after their interests. Now, I think this wrong. If this body thinks a bill in their judgment is not good and shouldn't be considered, it should be thrown out instead of assigned to a committee. We don't do that any more, but in my opinion, a lot of them should be, and a lot of them get to committee and have these people, we had some before our committee yesterday, leave to withdraw, after these people come miles to testify either for or against.

Now, this is not doing any service to the people of Maine and having them here year after year for the same bills, this is not doing the people of Maine any service. I think we should have a session and consider things very thoroughly. Then the next session would be limited to budgetary matters or something that you wouldn't have the same people down here for the same such bills as bottle bills and dozens of others very similar. They should have to wait two years before they are before us again. I hope in that in your judgment to send this to the people, if you do decide to send it to them, I don't see any need for it, because any Governor can call a special session and we made it so easy last session that the legislature can call a special session itself, so I see no need for this, really. There was a need before we could call ourselves, our leadership can now call a special session, the Governor can call a special session, what more do we need?

If we do put this out, we surely need some limitations. Otherwise, whoever is in the legislature is going to be year-round year after year, on the taxpayer and on the payroll of the state. I think this is unnecessary and I don't think the people in the state want that either, to be bothered to take a trip to Augusta every year, it is bad enough to make a trip down here every two years to oppose or speak for their favorite bill.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: To answer the good gentleman Mr. Quinn, people in other areas of the country have already begun to go back to biennial sessions and at least one state did so in this past election.

To answer the good lady from Auburn, Mr. Birt's amendment does not go against the idea of annual sessions for the state but

only places a restriction on the items that may be considered during the second year. Mr. Birt's amendment does not affect the consideration of an annual budget at all, and I think that is probably one thing that most of us in this body would agree is desirable. Maine is a small state and I am convinced that our people do not want unlimited legislative sessions, and if we do not adopt Mr. Birt's amendment, I am equally convinced that the people will turn down annual sessions altogether.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: As one of the two persons that signed the "ought not to pass" report on this constitutional amendment, I think I should make a few brief remarks.

Until about six years ago, we were as we are now, with one session a year, and for a great many years previous to this, any special session called lasted at the most three days to a week. In fact, some of them lasted one day. Now, in the 104th, we got into a special session that lasted one month; the 105th, I guess it lasted about two months and I don't think any of you who were here in the 106th will forget the fiasco of last winter when we were here three months debating the bills that we had turned down in the regular session.

I am sure if this ever went out to the public and had to have the cost factor on it, such as we put on our bills when we introduce them, we have to show the loss of revenue or the increase in revenue, if we ever put the cost factor on what it costs to keep this body here, it would be turned down about 50 to 1. As far as I can see, about all we are going to accomplish here this year is that we are going to give the people a higher tax to pay.

Mr. Birt of East Millinocket requested a roll call vote.

The SPEAKER: 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 Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make a brief comment. Without this amendment, I don't believe this bill can ever get a two thirds to get out of this House because there is an awful lot of us here who think it should be limited in some means, and if you get my vote and many others that I know, you will have to have the amendment so when you vote this next time on the roll call, keep that in mind. If you intend to get this out to the people in any form at all, I think you are going to need the amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the gentleman from Sabattus, Mr. Cooney, that House Amendment "A" be indefinitely postponed. Those in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bennett, Blodgett, Boudreau, Burns, Bustin, Byers, Call, Carey, Carroll, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, R.; Davies, DeVane, Doak, Dow, Drigotas,

Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hughes, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelleher, Kennedy, LaPointe, LeBlanc, Leonard, Lewin, Lizotte, Lunt, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, Mills, Miskavage, Mitchell, Mulken, Nadeau, Najarian, Palmer, Peakes, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Stubbs, Susi, Talbot, Tarr, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wilfong, Winship, The Speaker.

NAY — Albert, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Carpenter, Carter, Churchhill, Dam, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Garsoe, Gould, Hinds, Hunter, Hutchings, Immonen, Jacques, Kauffman, Kelley, Laffin, Laverty, Lewis, Littlefield, Lovell, Lynch, MacLeod, McBreairty, McMahon, Morin, Morton, Norris, Perkins, T.; Peterson, P.; Rideout, Rollins, Shute, Sprawl, Strout, Teague, Theriault, Torrey, Walker, Webber.

ABSENT — Conners, Curran, P.; Curtis, Faucher, Hobbins, Jalbert, Mackel, McKernan, Perkins, S.; Wagner.

Yes, 89; No, 51; Absent, 10.

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

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

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

An Act Prohibiting Increase of Finance Charges on Outstanding Balances of Open-end Accounts under the Consumer Credit Code (H. P. 600) (L. D. 743)

Tabled — April 21, by Mr. Palmer of Nobleboro.

Pending — Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in hopes that I can explain this bill a little bit better than I did the one yesterday on the filing requirements for mobile homes. It went down the chute quicker than you could say consumer credit code.

I think the best explanation would be to give you an example of how the law presently works. If an individual went in to finance, for example, a television set over a period of a couple of years on an open end basis at a given percentage rate of, for example again, 12 percent, the law now reads that this rate could be increased by giving the consumer a 90-day notice on three separate occasions. So, if I went into buy a television set on the first of May, say the payments were \$30 a month for the duration of the loan, within a month from that time the economy might be such that the interest rates might go up enough so that on June 1, I would get a notice from the creditor saying that their rate was going from 12 percent to 18 percent in 90 days. So that would give me 90 days to do one of three things — (1) to either pre-pay the loan or (2) stay with that particular creditor at a higher interest rate or (3) find another source for borrowing this money. I think you will agree that this is not quite fair to the consumer if he buys goods today and borrows the money at a particular rate today, he should not be subject to any

fluctuations in the interest market once he has signed that note. What this bill with the committee amendment does is allow that individual to go to the creditor and set up a closed-end transaction whereby his payments would remain the same as if he were under the existing interest rate when he signed the loan.

I will read you a part of it and it says in the Committee Amendment "A" that creditor includes in the above described notice of change an offer to finance by a separate loan arrangement the outstanding, unpaid balance as of the effective date of such change at the same rate of interest with the same repayment schedule as applies to such open-end credit accounts.

The existing plan would obviously raise that rate. He might be paying \$30 a month under the existing plan and without this bill, that rate could be raised to maybe \$32 a month, depending on what the outstanding balance was at the given period.

I think the bill is a good one. It was favored by John Quinn of the Consumer Credit Division. It was favored by the bankers themselves, because they would rather have a closed-end account than to have to work some computer system up so that one balance is kept at 12 percent and any subsequent purchases as of the effective date of the rate change were at another rate. So, it seems like a fair bill to me. I think it is fair to the people of the state, and I would hope that you would enact this bill today. I hope that I have answered the good gentleman from Farmington's questions.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Just one quick question. Then I do understand that the amendment is on the bill, is that correct?

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

The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: As far as I know, yes.

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 member 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. 122 having voted in the affirmative and one having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act Increasing the Number of Associate Justices the Supreme Judicial Court (S. P. 147) (L. D. 510)

Tabled — April 21, by Mr. Gauthier of Sanford.

Pending — Passage to be Engrossed.

Mr. Gauthier of Sanford offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-190) was read by the Clerk.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I do not oppose

House Amendment "B", because this removes the emergency provisions of the bill and in effect postpones the bill for an additional three, four or five months. After this is adopted, I hope we can indefinitely postpone this bill.

Thereupon, House Amendment "B" was adopted.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: We are now at the point of this bill being passed to be engrossed and I ask for a division on it. There are several reasons. First off, is this bill one of the top priorities before the legislature? We don't know how much money there will be on the Appropriations Table come the end of the session, but as of April 15, eight days ago, there were bills totaling \$5,154,644, and this particular bill, which will involve either \$86,000 or \$99,000, depending upon whether the original bill, I believe it would be \$99,000, is a type of bill that I think might get off the Appropriations Table. It was sponsored by the Senate Chairman of the Appropriations Committee and it seems to me that this could be considered as tokenism for the Judiciary and we don't want that.

I am not criticizing the justices of the supreme judicial court, they are an extremely fine group of men, perhaps the finest judges in the country. They are industrious, courteous, capable, very intelligent, but I would like to point out, however, that they claim they are busy now. One reason I think they are busy is because they get into making law, which I submit is our function and not the court's function. The courts should interpret the law that the legislature passes.

As I said a few days ago discussing this same bill, I attended the swearing in ceremonies of ten young lawyers in Portland a couple of weeks ago. Among them was the Senator from Cumberland, Senator Philip Merrill, and one of the supreme court justices there urged the young lawyers to grab that particular case and take that case to the supreme court, if necessary, so to change the law. Well, I don't think they should be doing that. I also think the supreme court could hand down memorandum decisions or very brief decisions as they did years ago.

We had a bill before the Judiciary Committee yesterday and there was a gentleman speaking relative to changing the court system and I asked him about this, why they didn't use the same technique they used to use years ago in turning out what I call per curiam decisions or memorandum decisions, those would be decisions less than one page, not signed by any judge but just signed by the entire court. He said, well, the judges want to educate us constantly, and I submit that if a particular case being appealed today is on all fours, very similar to a case that was decided ten years ago, why not just say that the case today is based on the case, perhaps, of *Lowell vs. Martin* and let it go at that and not go into an explanation beyond that because they are just repeating the same law.

So, I submit that additional justices would not break any trial log jam. They handle appeals, not the trial cases. I submit further that seven judges would probably argue more than six judges in trying to reach decisions. There is a move afoot to lessen the size of this House from a 151 to a smaller number, whereas this bill would increase the size of the supreme

judicial court. So, I submit that this is not a good bill, at this time anyway, and I hope that you will vote against the engrossment.

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

Mr. SPENCER: Mr. Speaker, Ladies and gentlemen of the House: I think that there are a number of points which ought to be made on this bill before we make a final decision. One is the fact that the workload of the courts has increased dramatically over the past ten years. In 1964, there were 65 cases filed with the Maine Supreme Court. In 1974, that figure had increased 260 cases, so that the caseload has increased by four times over the past ten years.

At the present time, there is a one-year delay in the opinion writing and each justice is so backed up that this delay between the time the case is heard and the decision is written will increase to more than a year. During this period on the criminal appeals, which constitute a bulk of the work, the person who has been found guilty by the lower court will be generally out on bail pending the appeal.

The arguments were made the last time we discussed this that some of the largest states, New York and Pennsylvania particularly, have smaller courts than the Maine Supreme Court and in checking on this further, well, it turns out that it is true. Those states have had to go to intermediate appeals courts, so they have a whole other layer of courts between the trial court and the supreme court, which handles most of the necessary appeals. It also appears that the justices on those courts have two and three law clerks apiece for helping them in drafting their opinions.

It is evident to me that something has to be done to try to make the court system function more effectively, and it has to be done from top to bottom. This is only one of the bills that addresses itself to this problem, which is an essential one for this state and is essential if we are to develop a system which is in anyway capable of dealing with the rising crime rate that we are experiencing.

I think that the arguments posed against this bill have not been fully considered, and I would point out that the principal spokesman against the bill has a bill in to increase the salaries of the existing justices of the supreme court, and I think that the delay we are now experiencing is a serious enough problem that we have got to act to try to do something about it.

I think both of these bills are important but I think the one that is now before us is more important.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: This bill has been very well debated. In fact, it went to the engrossing stage and this probably, as you know, will go to the Appropriations Table when it comes, and I hope it does pass because it is very much needed. In fact, I spoke to the judge. Mr. Hewes was right next to me, and he asked the judge what he thought of this bill. The judge told me definitely that that was one of the bills that he needed very badly because as Mr. Spencer told you, they had a one-year caseload in arrears. They have a backlog of one year's work to take care of. Therefore, I hope you will continue voting in favor of this L. D. 510, and I would remind you that this bill came out of

committee 12 to 1 in favor of adding an additional judge.

When the vote is taken, I ask for a roll call.

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

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

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

Mr. HEWES: Mr. Speaker and Members of the House: I would just like to point out in rebuttal that the Supreme Court Judges do not now handle as many single member matters as they used to. By that I mean, 20 years ago the judges were to hear cases as individuals as well as sitting as a group. Now they don't hear nearly as many cases sitting as single justices by themselves.

I would also like to point out that now they have law clerks who help them research the law. They did not have law clerks until half a dozen years or so ago.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be engrossed as amended. All in favor of this Bill being passed to be engrossed as amended by House Amendment "B" (H-190) in non-concurrence will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Bustin, Carey, Carter, Chonko, Clark, Connolly, Cooney, Cox, Curran, R.; Davies, Dow, Drigotas, Farnham, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hennessey, Hughes, Hutchings, Ingegneri, Jacques, Jensen, Kany, Kennedy, LaPointe, Lavery, Lovell, Lunt, Mahany, Martin, A.; Martin, R.; McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Palmer, Peakes, Pelosi, Peterson, T.; Pierce, Post, Rolde, Smith, Spencer, Tierney, Usher, Walker, Wilfong.

NAY — Albert, Ault, Bagley, Berry, G. W.; Boudreau, Bowie, Burns, Byers, Call, Carpenter, Churchill, Cote, Dam, DeVane, Doak, Durgin, Dyer, Farley, Fenlason, Finemore, Flanagan, Garsoe, Gould, Gray, Hall, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Joyce, Kauffman, Kelleher, Kelley, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, MacEachern, MacLeod, McBairty, Mulkern, Norris, Peterson, P.; Powell, Raymond, Rideout, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Sprowl, Stubbs, Talbot, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Webber, Winship.

ABSENT — Carroll, Connors, Curran, P.; Curtis, Dudley, Faucher, Hobbins, Jalbert, Laffin, Mackel, Maxwell, Najarian, Perkins, S.; Perkins, T.; Quinn, Strout, Susi, Tyndale, Wagner.

Yes, 61; No, 69; Absent, 19.
The SPEAKER: Sixty-one having voted in the affirmative and sixty-nine in the negative, with nineteen being absent, the Bill fails of passage to be engrossed as amended.

Sent up for concurrence.

The Chair laid before the House the fifth item of Unfinished Business:
House Report - "Ought to Pass" —

Committee on Education on Bill "An Act Relating to Access to Written Records Concerning Elementary and Secondary School Pupils." (H. P. 975) (L. D. 1269)

Tabled — April 21, by Mr. Lynch of Livermore Falls.

Pending — Acceptance of Committee Report.

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

Mr. LYNCH: Mr. Speaker, I would move that this be tabled for two legislative days, and I would like to mention that the reason I am tabling is that the Department of Education and the Attorney General are not clear as to what the federal law, Family Educational Rights and Privacy Act actually does.

Thereupon, on motion of Mr. Bustin of Augusta, tabled pending acceptance of the Committee Report and specially assigned for Friday, April 25.

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

An Act to Fund Public School Education (Emergency) (H. P. 1437) (L. D. 1452)

Tabled — April 21, by Mr. Rolde of York.

Pending — Passage to be Enacted.
On motion of Mr. Lynch of Livermore Falls, retabled pending passage to be enacted and tomorrow assigned.

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

Bill, "An Act Relating to State Subsidy for Units with Federally Impacted Students" (Emergency) (H. P. 107) (L. D. 104) — In House, Passed to be Enacted on April 10. — In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-69) in non-concurrence.

Tabled — April 21, by Mr. LeBlanc of Van Buren.

Pending — further Consideration.

On motion of Mr. LeBlanc of Van Buren, the House voted to recede and concur.

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

An Act Relating to Withdrawal of Good Time for County Jail Inmates (S. P. 210) (L. D. 700)

Tabled — April 21, by Mr. MacEachern of Lincoln.

Pending — Passage to be Enacted.

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

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

An Act Concerning Annual Notification Fees under the Consumer Credit Code, Concerning a Lender Collecting and Enforcing Loans without a License, and Requiring the Payment of Certain Investigation Fees to the Superintendent of the Bureau of Consumer Protection. (H. P. 607) (L. D. 750)

Tabled — April 21, by Mr. Najarian of Portland.

Pending — Passage to be Enacted.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill deals with three sections of the code. The first part is presently the way the code is written, a lender could lend money without a license, then if he is caught and after that, under the present law, he could continue for three months to

try to collect and enforce those loans. What this amendment says is, when he is caught he must stop until he is checked out for a license and receives his license.

Section two is in the amendment, the pink amendment. That just deals with the investigation of small loan companies. If they come in and apply for a license and they should be out of state owners or out of state people who want to start the loan company, this would permit the department up to \$500 to investigate if the fee was necessary.

The third section deals with the notification fees that all industries have to file with the Business Regulation Department to come under the code. Presently, many organizations have branches throughout the state. They have paid their notification fee for the Maine branch but not for their branches. This would include the fee for the branches.

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

Mr. LYNCH: Mr. Speaker and Members of the House: Under the statement of fact, I would like to make a comment. These investigations on occasion require extensive and costly background searches of the principal who may reside out of the state or country.

Now in the early days of this session, we were concerned with a bill that a member of one of the boards sent into the state for thousands of dollars for travel across the Atlantic. What provision is there in this L.D. 750 that says that one of these investigators may not have a multi-dollar bill; thousands of dollars, traveling around the country? I think there has to be some doors closed in this area.

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

The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: This amendment limits this to \$500.

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

Mr. LYNCH: Mr. Speaker and Members of the House: Section 2 says each applicant shall pay to the administrator an investigation fee to cover all necessary and reasonable costs incurred by the administrator in making a determination that the applicant has fulfilled all of the requirements as set forth in this subsection. Does that preclude a Trans-Atlantic flight?

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

The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman is looking at the original bill, not the amendment. The amendment limits it to \$500.

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

Mr. MORTON: Mr. Speaker, I would like to address a question to someone. Under Section, paragraph C, does the word applicant mean any person, any firm? I know the gentlewoman from Portland mentioned lending companies, but does that, for instance, refer to a retailer who might wish to be licensed under this act? If

so, does that retailer have to subject himself to the same investigation of up to \$500?

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

The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Section 2302 applies to small loan companies only.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to get into the consumer credit code at all, because I don't understand a thing about it. But I am kind of concerned that we are passing these various bills to be enacted as amendments to a bill in the last session which was supposedly so good a bill that we could not offer any amendments. [Supposedly at that time it was very well drafted.

I am sure that you have all had a chance to — may be some have already gone out in the document room and received your computer printouts of the status of the various bills that are before us. The night before last, I did a little work on the computer printout that was dated up to April 13, and on the printout sheet, I merely put in the same places the amendments that relate to the consumer credit code, and I came up with a sheet this size of 27 amendments before us on this one bill, 15 by one sponsor. I can understand maybe the reason for 15 separate bills, because this might be an approach to get around some problem instead of putting it in one big thick document that would be like a redraft of the original bill itself.

I just wonder if we are not getting into almost a mess like we have with L.D. 1994 when there will come a time when there will be no turning back or no rectifying the mistakes that we have made. For that reason, this is the only reason I am making the statement that I am making now to at least be on the record that I don't understand it and I just wonder how many do understand what is happening with all these various amendments that is being made to this bill and what is going to happen the next session when we come back with about 30 more amendments.

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

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

AN ACT to Require a Notice of Default to be given within Prescribed Intervals, as Applicable, for Open-end Credit Transactions under the Consumer Credit Code. (H. P. 608) (L. D. 751)

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

Pending — Passage to be Enacted.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would again ask if there might be some slight explanation of this bill. It looks to me as though it is recordkeeping piled on recordkeeping, which would add to the cost and hence be passed on to the consumer and I would like to know if that is the case.

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

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I would share with you this morning an explanation of L. D. 751, which is not material which is not only in my possession but all members of the committee do have this memo.

The Consumer Credit Code, as it was enacted, left unanswered the various questions of merchants and lenders engaged in open-end credit relating to the consumer's right to cure for default. Presently, a merchant may attempt to repossess the merchandise or file suit as soon as a consumer is one day late on an open-end credit plan, so long as the creditor had previously extended to that consumer his or her right to cure on a prior default, even though the previous default may have occurred several years before.

For example, a family may have a balance owing to a merchant on an open-end credit plan of \$100 on, let's say, May 1, 1975. They are ten days late on the payment, and in accordance with Section 5.110, the merchant gives notice of the consumer's right to cure. The family in turn cures the default within the prescribed period. Several years later the family is ten days overdue on its payment to the same merchant on the same open-end account with a balance at this point in time of let's say \$600. Under the terms of the same section, the merchant may file suit or seek to repossess immediately without affording that same consumer the right to cure the default on the basis that the right to cure had already been afforded this account the first time.

The emergency preamble was amended out as it was not deemed necessary by the committee.

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

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

AN ACT Concerning Refinancing of Credit Sales on Consolidation under the Consumer Credit Code. (H. P. 610) (L. D. 753)

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

Pending — Passage to be Enacted.

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

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

An Act Providing for a State Developmental Disabilities Planning and Advisory Council. (H. P. 871) (L. D. 1077)

Tabled — April 21, by Mr. LaPointe of Portland.

Pending — Passage to be Enacted.

On motion of Mr. Ault of Wayne, retabled pending passage to be enacted and specially assigned for Friday, April 25.

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

Bill "An Act to Authorize the Board of Environmental Protection to Solicit and Receive Testimony on the Economic Effects of Proposed Developments." (H. P. 1500) (L. D. 1823)

Tabled — April 21, by Mr. Blodgett of Waldoboro.

Pending — Adoption of House Amendment "A" (H-186).

On motion of Mr. Mills of Eastport, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

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

Bill "An Act to Establish an Alternative Method of Support Enforcement" (H. P. 1468) (L. D. 1793) — In House, House Insisted on its Former Action Whereby the Bill was referred to the Committee on Performance Audit on April 18. — In Senate, Senate Adhered to its former action Whereby the Bill was Referred to the Committee on Health and Institutional Services in non-concurrence.

Tabled — April 22, by Mr. Birt of East Millinocket.

Pending — Further Consideration.

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

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

Bill "An Act to Phase out the Present Form of County Government, Transfer its Functions to other Government Units and to direct the State's Advisory Commission on Intergovernmental Relations to Make Recommendations to the Special Session of the 107th Legislature" (H. P. 1445) (L. D. 1819) — In House, Referred to the Committee on State Government on April 10. In Senate, Referred to the Committee on Local and County Government in non-concurrence.

Tabled — April 22, by Mr. Cooney of Sabattus.

Pending — Further Consideration.

Mr. Finemore of Bridgewater moved that the House recede and concur.

On motion of Mr. Snow of Falmouth, tabled pending the motion of Mr. Finemore of Bridgewater to recede and concur and tomorrow assigned.

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

House Report — "Leave to Withdraw" — Committee on Legal Affairs on Bill "An Act to Dissolve Hospital Administrative District No. 3 in Aroostook and Penobscot Counties." (H. P. 932) (L. D. 1176)

Tabled — April 22, by Mr. Birt of East Millinocket.

Pending — Acceptance of Committee Report.

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

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

Bill, "An Act Creating the Decker-Lincoln Power Authority" (S. P. 189) (L. D. 662) (S. "A" S-75) (S. "B" S-77)

Tabled — April 22, by Mr. Greenlaw of Stonington.

Pending — Passage to be Engrossed.

On motion of Mr. Greenlaw of Stonington retabled pending passage to be engrossed and specially assigned for April 25.

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

Bill, "An Act Relating to the Shipment of Dogs and Cats and Prohibiting the use of Dogs or Cats in Commercial Promotions" (H. P. 238) (L. D. 294) (C. "A" H-176)

Tabled — April 22, by Mr. Berry of Buxton.

Pending — Passage to be Engrossed.

On motion of Mr. McKernan of Bangor, under suspension of the rules, the House reconsidered its action whereby

Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-187) was read by the Clerk.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of L. D. 294 which has been actually rewritten in the form that came out of the Agriculture Committee. I have no basic complaint about the way it was redrafted and which has taken the form of Committee Amendment "A", in fact, I think that they put it in a better section of the statutes than I had in my original bill. I am grateful for their hard work on this. However, their amendment, if you take a look at it, I had a lot of specific provisions in the original bill, their amendment basically says that the Department of Agriculture shall have the right to regulate the shipping into this state or acquiring within the state, dogs and cats. Under the present law, they do not have the right to regulate the shipping of dogs

and cats. I think that that is fine. However, I think that we also as members of the legislature, if we had specific provisions which we feel should be followed, that we should do it statutorily as opposed to just giving carte blanche to a department to set any rules and regulations which they want. I would call your attention to a slip of paper that I sent around to the members of the House yesterday. It is a reprint of a Jack Anderson column and he discusses the problem and the reason that we need bills such as the one that I have introduced. I will just read to you the first sentence, which I underlined in the handout. It says, "Mass breeders of \$200 million dollars worth of puppies and kittens are shipping sick and dying animals to America's children with the active cooperation of a few crooked veterinarians." Because of the problem of these so-called puppy mills, places in the mid-west, especially, where dogs and cats are bred solely to be shipped out in huge shipments with no consideration given to whether they are healthy or they are going to contaminate all the rest of the animals, which are being shipped, has caused other states, such as Illinois, Connecticut and New York to adopt bills very similar to the one that I introduced to try to protect not only the other animals, which are shipped with the sick and contaminated animals, but also other animals in the pet shops and in kennels where these sick animals are taken after they are brought in to the state, but also I think more importantly to protect the consumer who goes into the kennel or to the pet shop to try to buy one of these animals and can't tell that it hasn't had the necessary shots and also, perhaps, is sick.

I would like to discuss my amendment and basically the first four provisions of the bill that I introduced. What my amendment would seek to do would be to amend the committee amendment to say that the Department of Agriculture shall have the right to promulgate rules and regulations regulating the shipping and the acquiring within state of dogs and cats.

Then, I want to add to this amendment, but that those rules shall include, but not be limited to the following provisions. To

make sure that we have these rules and regulations and they can adopt any other ones that they feel would supplement these rules and regulations. The first one that I have proposed would be to say that no dogs or cats can be shipped into this state younger than eight weeks. The reason for that is that most people who are familiar with dogs and cats agree that the personality and the sociability of dogs and cats really develops between the fifth and the eighth week. If these dogs and cats are subjected to being shipped in crates on planes or trains or whatever, that obviously, is going to adversely affect their personality and, therefore, is going to make the person that purchases that dog or cat probably not very happy with that dog.

The pet shops, however, are saying that they can't sell some of the bigger dogs at eight weeks. They would rather get them in because they are cuter at five or six weeks, and they can sell them then. I think that we ought to be thinking about what they are buying as opposed to what is easier to sell and what isn't if it is not, in fact, healthy for that animal.

Section B to my amendment states that these dogs and cats that are shipped in shall have had certain shots. These shots are recommended by some veterinarians and the reason, again, that we require that they not be shipped before eight weeks is because we say that they should have had these shots within two weeks before being shipped. Apparently, the puppies are — I don't know that much about veterinarian medicine but apparently, they are immune from these shots before five or six weeks because of the immunity of their mother and, therefore, the shots don't take so they have to wait five or six weeks before they can give the shots in order to totally protect the other animals they are going to come into contact with.

Section C says that all dogs and cats that are shipped into the state shall have a health certificate saying which shots they have been given. This is going to be signed, not only by a state veterinarian but by a veterinarian designated by the U.S. Department of Agriculture. The problem in some of the midwestern states is that there are some unscrupulous veterinarians who are signing these certificates without even looking at the dog and, therefore, you really don't know what you are getting. This is what Jack Anderson was referring to.

The last provision, which applies to all dogs and cats, is that all dogs and cats sold in this state, shall be accompanied with a health record and this is the record of all the shots that this dog or this cat has had whenever it is sold to the public. So that the member of the public who buys one of these dogs or cats will know what shots have been given. Under present laws we don't have to do that and you can buy either from a pet shop or breeder or whatever and you don't know what shots have been given so you don't know what ones you should give again or whatever. This provision would allow or actually require that anyone who sells a dog to any member of the public to furnish it with a health record so that people will know how to take care of the dog.

I am sure that members of the Agriculture Committee are going to oppose this amendment. I think their major reason, there are two, first of all, the eight week provision the pet shops are vehemently opposed to it; secondly, I think, that they feel that the Department of

Agriculture knows more about this than we do here and, therefore, they ought to be allowed to make the rules and regulations. I say that three or four states have already adopted provisions similar to these to try to correct the problems of these puppy mills in the mid-west and, therefore, granted we should allow the Department of Agriculture the flexibility to adopt rules and regulations in addition to these but that we ought to set a minimum to protect not only the dogs and cats that are shipped into the state, but more importantly, the people who buy them here in Maine.

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

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I move to indefinitely postpone House Amendment "A" (H-187). The Committee on Agriculture, after several discussions on this original bill and the amendment 176, brought this House out unanimous "Ought to Pass". We feel that House Amendment H-176 that says the Commissioner shall promulgate rules and regulations deemed proper and necessary to maintain the health of dogs and cats imported into the state or offered for sale within the state. I believe this is all that is necessary as the Commissioner has made the necessary rules and regulations for all other diseases of live-stock and poultry. I don't believe House Amendment "A" (H-187) is necessary. Amendment H-187 puts back what the committee, with committee amendment 176 took out of the original bill. I urge you to support indefinite postponement of this bill.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think to give you a little background of why this type of bill comes before us, you ought to understand that pet shops, for years, have been under fire from another segment of their competition, that being, kennel owners. We have had several of this type of thing since I have been here and since I have been on the Agriculture Committee. It is another attempt, I guess, in a sense, for somebody to eliminate somebody else, by a legislative document or at least to a great extent curtail their activities.

When this bill first came before us we had a pretty good public hearing on it. I can honestly tell you that the committee went to great lengths to keep Mr. McKernan's bill alive. We had many problems with it. We even had a study done on it. Then, we had two redrafts done on it. The result of the redrafts were that if we had accepted the redrafts, we would have had to come up with about \$11,700 to implement what the redraft called for. Then we consulted with the Department of Agriculture and I would like to read you what they sent to the committee. It goes as follows: It should be noted that the Maine Department of Agriculture has analyzed L. D. 294 and found that it will not have any effect at all. The only change that is necessary is to include cats and dogs in the present statute, regarding agriculture and animals under Title 7, and the department can apply its regulations to these animals." That is basically what the amendment did.

Let me read you a paragraph from one of the studies that we had done: "While L.D. 294 would appear to be the solution to the weaknesses in State and Federal Law, the bill, according to the officials in the Maine Department of Agriculture, will have very little impact. One weakness, for example, is the absence of a defined

authority to enforce the provisions of the bill. The second weakness is the vagueness of some of the bills provisions. In Section 4015, Subsection 3, the law does not indicate the length of time for exercising animals and Subsection 5 does not define proper intervals. A third weakness of the bill is the absence of provisions that other types of animal vendors and owners must meet. The other two things I have just read to you are what prompted the two redrafts. Then we came up with the amendment, which according to the Department of Agriculture, will take care of the problem, there will be no funds involved at all.

While I am looking for something I can't find, I would just like to let you know that this does in no way affect the three fantastic kittens, so there is no conflict here.

One other problem with Mr. McKernan's amendment, — I don't know how many of you have the amendment before you — but it mentions cats and dogs are free from visual evidence of communicable disease and that they originated in an area not under quarantine because of rabies. Areas don't come under quarantine because of rabies anyway.

On the back of the amendment, under Section, D which reads all dogs and cats sold to the public shall be accompanied by a health record issued by a licensed veterinarian outlining a medical history, inoculations and date of most recent examination. It is almost impossible, it would be virtually impossible to carry out that part of that amendment. It would be outlandishly expensive to have a veterinarian come in and conduct all the things that Subsection calls for.

Ladies and gentlemen, I urge you, support the indefinite postponement of the amendment.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Talking about the record, I think that even the pet shops that testified at the hearing, admitted that they had veterinarians check over their animals before they sell them. All this requires-it doesn't require them to have the shots or inoculations after they are in this state, it just says to have a record given to the consumer which says which shots or inoculations they have had. There is nothing requiring them to have the shots. The only shots that have to be given is before they are shipped into this state to make sure they are healthy when they get here and that requirement is in a previous paragraph, paragraph C. As for the problem with the redraft and with the original bill, talking with cages and exercise areas, that is not in the bill anymore so that doesn't have any bearing on this amendment. As for the enforcement of this bill, well maybe it is not going to be that easy to enforce. The point is though, if they get a complaint that a dog or a cat is sick, hasn't had the shots and, in fact, dies after somebody buys one, they will have something on the books to make sure that they can do something about it. They can stop a person or fine a person who is, in fact, selling animals like this because they will be able to go back and find out that there were not any health certificates when they first brought that into the state and, therefore, that they violated the law. Under the present thing, all they can do is hope that they can get another dog from the person that they sold it to.) I think that it is something that really we don't want to allow the

bureaucracy here to promulgate rules and regulations all the time, if we, in fact, know that there is a simple way to do it statutorily and I feel that this amendment does it. It also enables the Department of Agriculture to promulgate any other rules and regulations they feel are necessary. Again, I would oppose the motion to indefinitely postpone this amendment and I ask for a roll call.

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against indefinite postponement of this bill. For two years I worked as a veterinarian's assistant. I saw people coming in with dogs that they had bought in good faith, believing those dogs had had their inoculations and later the dogs had come down with distemper, other things, and the people were just more or less left out. They had become attached to their animals and they were hurt by it. Other states have put in this type of legislation and wards, which is an association in Washington D.C. supports this type of legislation and I hope it will not be indefinitely postponed.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: We recognized there was a problem. We know that there have been cats and dogs shipped into the State of Maine that weren't in a healthy condition. The whole Agriculture Committee knew that and that is exactly what the Agriculture Committee's amendment will take care of. It will do it very simply by putting three words into present law. I don't think you can handle the problem much simpler than that.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I really received many letters and phone calls on this legislation from our area and I, like Mr. McKernan and Mrs. Byers, would hope that you vote against the indefinite postponement, because it happens so many, many times that we pass legislation and then it goes to the department that receives it and they are supposed to promulgate the rules and the regulations and the rules and regulations are entirely opposite to that legislation that you want. I think this is a good morning to start putting some teeth in the laws that we are going to pass. If we have certain areas that we want to move in, let's lay it right out, let's not leave it to someone else's discretion, let's assume our full responsibility. I hope you will vote against indefinite postponement this morning.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was before the committee, I spoke in favor of it, and despite what the gentleman from Buxton, Mr. Berry, has to say, I am still for this bill. You will recall, that when L. D. 123, my ill fated chicken bill was before this House, Mr. Berry was the only one who spoke against it. Unfortunately, nobody else had to speak against it. So, I say, Mr. Berry is just following a trend despite what he has had to say this morning and I beg of you all, to vote against the indefinite postponement. I agree with what others have said, we need something like this legislation to get started on the right track.

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 Easton, Mr. Mahany, that House Amendment "A" to Committee Amendment "A" A Bill "An Act Relating to the Shipment of Dogs and Cats and Prohibiting the use of Dogs or Cats in Commercial Promotions" House Paper 238, L. D. 294 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bennett, Berry, P. P.; Carroll, Curran, R.; Dow, Dudley, Dyer, Farley, Fraser, Gauthier, Hall, Hunter, Kany, Kauffman, LeBlanc, MacEachern, Mahany, Martin, R.; Powell, Rollins, Teague, Theriault, Torrey, Webber, Wilfong.

NAY — Ault, Bachrach, Bagley, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Davies, DeVane, Doak, Drigotas, Durgin, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hughes, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kelleher, Kennedy, Laffin, LaPointe, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Mitchell, Morin, Morton, Mulhern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Pierce, Post, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Winship.

ABSENT — Carter, Curtis, Dam, Faucher, Hinds, Hobbins, Jalbert, Kelley, Mills, Perkins, S.; Peterson, T.; Silverman, Wagner, The Speaker.

Yes, 26; No, 110; Absent, 14.

The SPEAKER: Twenty-six having voted in the affirmative and one hundred and ten in the negative, with fourteen being absent, the motion does not prevail.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" was amended by House Amendment "A" thereto was adopted.

Thereupon, Mr. Berry of Buxton moved the indefinite postponement of the Bill and all accompanying papers.

Mr. Albert of Limestone moved this matter lie on the table for two legislative days.

Mr. McKernan of Bangor requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Limestone, Mr. Albert, that this matter be tabled for two legislative days pending the motion of Mr. Berry of Buxton to indefinitely postpone the bill and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 75

having voted in the negative, the motion did not prevail.

Mr. Norris requested a division on indefinite postponement.

The SPEAKER: The gentleman from Brewer, Mr. Norris requests a division. If you are in favor of indefinite postponement of this Bill and all accompanying papers you will vote yes; those opposed will vote no.

A vote of the House was taken.

20 having voted in the affirmative and 108 in the negative, the motion did not prevail.

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

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

Bill "An Act Relating to School Buses" (H. P. 481) (L. D. 600) (C. "A" H-170)

Tabled — April 22, by Mr. LaPointe of Portland.

Pending — Adoption of House Amendment "A" to Committee Amendment "A" (H-188)

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY: Mr. Speaker, Ladies and Gentlemen of the House: All I am asking in this amendment is that all bus companies carrying school children be treated alike.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in opposition to the amendment — that is before us. Yesterday, I asked this bill to be tabled for one day so that I could get a chance to talk with the Department of Education and Cultural Services. Before I read their analysis, Mr. Speaker, I would also ask if you would rule whether this amendment is germane to the bill?

The SPEAKER: In reference to the question posed by the gentleman from Corinth, Mr. Strout, the Chair would rule that the amendment is germane. The original bill deals with school buses.

The gentleman may proceed.

Mr. STROUT: Mr. Speaker and Members of the House: Having ruled that this amendment is germane, I would like to read you the reply that I received from the Department of Education and Cultural Services this morning. To Representative Strout from Mr. Pinceo, Associate Commissioner of Bureau of School Management.

"I am writing in response to your request for our analysis of House Amendment "A" to L. D. 600.

"The effect of House Amendment "A" to Committee Amendment "A" would be that any privately owned vehicle carrying 10 or more passengers used to convey school children would be exempt for the color, emergency door and lateral seating provisions of the "School Bus Law"

"The intent of L. D. 600 was to allow the dual use of heavy transit-type coaches which are regularly transporting other passengers.

"The program manual for Standard No. 17 states, "Privately or publicly owned local transit system buses used for special school route service are exempt from the color requirement because of their dual use as common carriers. Extra care must be taken by drivers of these buses when

loading and unloading children because the motoring public is not always as alert around a non-yellow bus as it is around the glossy yellow school bus."

"House Amendment 'A' would in my opinion create a real hazard. Not only is the safety factor of color important, the forward facing or 'lateral seating', has been proven to be much safer if an accident should occur. The transit district coaches do not travel above city speeds and do not make the long country runs that other private carriers would be scheduled for, thus children should not be subjected to conveyance equipment that has less essential safety features than municipally owned school buses."

Therefore, Mr. Speaker, Ladies and Gentlemen of the House, I hope you will indefinitely postpone the amendment before us, and I make that motion.

The SPEAKER: The gentleman from Corinth, Mr. Strout, moves that House Amendment "A" be indefinitely postponed.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I arise also in support of Mr. Strout's motion. The bill was introduced at the request of the Portland Transit District to assist in some minor difficulties they had in terms of school safety provisions.

Now a transit bus that is used in a city such as Portland is far safer, far better bus than most any school bus you are going to find.

This amendment, if it were to be included, I think I would have to oppose the bill myself. It is a bad amendment. It would allow any privately owned vehicle, which might be of that type, to be exempt from these consideration in terms of seating and the emergency door, buses that go at much higher speeds and are not used necessarily in the urban areas a transit bus, say in Portland, would be used in.

I urge you to vote in favor of Representative Strout's motion.

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

Mr. HENDERSON: Mr. Speaker, I would like to pose a question through the Chair. The city of Bangor doesn't have a transit district but we do have a city-run bus system. If we use that bus system to transport students to and from the public schools, yet we don't have a transit district, does that mean that we would not be covered by this legislation, that we would be in violation?

The SPEAKER: The gentleman from Bangor has posed a question through the Chair to any member who may answer if they so desire.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY: Mr. Speaker, Ladies and Gentlemen of the House: Yes, this is the whole argument on the bill, that all buses transporting school children shall be treated the same.

The SPEAKER: The pending question before the House is the motion of the gentleman from Corinth, Mr. Strout, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. The Chair will order a division. If you are in favor of that motion you will vote yes; those opposed will vote no.

A vote of the House was taken:

95 having voted in the affirmative and 15 in the negative, the motion did prevail.

Thereupon, Committee Amendment "A" was adopted. The Bill was passed to be engrossed as amended and sent up for concurrence.

The SPEAKER: Reference is made to (H. P. 1491) (L. D. 1739) Bill "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs," whereby earlier today the House insisted on its former action and asked for a Committee of Conference. The Chair appoints the following conferees on the part of the House:

- COONEY of Sabattus
- QUINN of Gorham
- SNOWE of Auburn

On motion of Mr. Doak of Rangeley, Adjourned until nine-thirty tomorrow morning.

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