

# 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**

Thursday, May 1, 1975

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

Prayer by the Rev. Edward J. Granholm of Pownal.

The journal of yesterday was read and approved.

**Papers from the Senate**

**Conference Committee Report**

The Second Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Exempting Solar or Wind Power Facilities from Sales Tax" (S. P. 402) (L. D. 1171) ask leave to report: that they are unable to agree.

Signed:

Mrs. CUMMINGS of Penobscot

Messrs. HUBER of Cumberland

BERRY of Cumberland

— of the Senate.

Messrs. TIERNEY of Durham

FINEMORE of Bridgewater

DAM of Skowhegan

— of the House.

Came from the Senate with the Report read and accepted.

In the House on motion of Mr. Finemore of Bridgewater, the Report was read and accepted in concurrence.

From the Senate: The following Communication:

AUGUSTA

April 30, 1975

The Honorable Edwin H. Pert

Clerk of the House

107th Legislature

Augusta, Maine

Dear Mr. Pert:

The Senate voted today to Adhere to its action whereby it accepted the Majority Ought Not to Pass report on Bill, "An Act to Provide for Low Cost Financing through the Maine State Housing Authority for Nursing Homes and Similar Facilities for Persons of Low Income" (H. P. 756) (L. D. 926).

Respectfully,

Signed:

HARRY N. STRABRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Joint Order: (S. P. 506)

WHEREAS, mentally retarded children need every advantage to acquire confidence in themselves and to succeed in building a positive image; and

WHEREAS, special olympics have been designed to give the mentally retarded that chance to develop skills and experience success through an organized programing of physical fitness; and

WHEREAS, through this unique program mentally retarded boys and girls of the State can share experiences of athletic competition not otherwise available; and

WHEREAS, the special olympics program for mentally retarded children is scheduled to be held in the City of Portland on May 30 and 31, 1975; now, therefore, be it

ORDERED, the House concurring, that the Members of the One Hundred and Seventh Legislature, now assembled, commend the spread and development of the special olympics program and express our thanks to all those who participate,

support and make possible, through this forthcoming olympic event, new hope and a better way of life for the mentally retarded; and be it further

ORDERED, that suitable copies of this Joint Order be forwarded to the olympic officials in token of our commendation and support.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Joint Resolution: (S. P. 507)

**JOINT RESOLUTION**

DESIGNATING MAY 5-10, 1975

AS MAINE BROILER WEEK

WHEREAS, Maine broilers are universally acclaimed for their superior quality, nutritive values and delicious flavor; and

WHEREAS, the Maine poultry industry is Maine's largest agricultural entity, generating farm crop values, processed chicken and chicken products, and Maine payrolls in excess of \$250,000,000 annually; and

WHEREAS, chicken is universally heralded as America's foremost low-budget, high-protein food source; and

WHEREAS, the Maine broilers have come to be as well known and admired as Maine lobsters and Maine potatoes; and

WHEREAS, it is deemed wise and fitting for the people of Maine to publicly support and promote the virtues of the State and its resources; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature of the State of Maine, assembled in regular session, take this opportunity to salute the noble Maine broiler, the farmer, processor and all people associated with its production and marketing, and do hereby designate May 5th to May 10th., 1975, as Maine Broiler Week, and urge Maine and other New England food markets to feature Maine broilers and to hereby enable discriminating consumers to adequately and joyfully partake of this delightful Maine delicacy; and be it further

RESOLVED: That a suitable copy of this joint resolution be prepared and transmitted forthwith by the Secretary of State to properly designated representatives of the Maine Poultry Federation and the Maine Broiler Industry.

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

**Reports of Committees**

**Leave to Withdraw**

Committee on Judiciary reporting Leave to Withdraw on Bill "An Act Providing for Impoundment of Records of Commitment of Recovered Mental Patients" (S. P. 437) (L. D. 1453)

Came from the Senate with the Report read and accepted.

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

**Ought to Pass**

Report of the Committee on Public Utilities reporting "Ought to Pass" on Bill "An Act Declaring the Lewiston-Auburn Water Pollution Control Authority to be a Quasi-Municipal Corporation" (Emergency) (S. P. 316) (L. D. 1093)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-105) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

**Divided Report**

**Tabled and Assigned**

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Resolve, to Adjust the Retirement Allowance under the State Retirement Law for Donald A. Yeaton of Winthrop (S. P. 450) (L. D. 1509)

Report was signed by the following members:

Messrs. COLLINS of Knox

O'LEARY of Oxford

CLIFFORD of Androscoggin

— of the Senate.

Messrs. THERIAULT of Rumford

MORTON of Farmington

NADEAU of Sanford

LEONARD of Woolwich

— of the House.

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

Report was signed by the following members:

Messrs. MacEACHERN of Lincoln

USHER of Westbrook

POWELL of Wallagrass Pl.

CURTIS of Rockland

Mrs. LAVERTY of Millinocket

Mrs. KELLEY of Machias

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read. Mr. Theriault of Rumford moved the House accept the Majority "Ought not to pass" Report in concurrence.

On motion of Mr. MacEachern of Lincoln, tabled pending the motion of Mr. Theriault of Rumford to accept the Majority Report in concurrence and specially assigned for Monday, May 5.

**Non-Concurrent Matter**

Bill "An Act Relating to the Prohibition Against Hitchhiking" (H. P. 1474) (L. D. 1564) which was passed to be engrossed in the House on April 10.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "C" (S-106) in non-concurrence.

In the House: On motion of Mr. Davies of Orono, the House voted to recede and concur.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentlewoman from Portland, Mrs. Najarian to the rostrum for the purpose of serving as Speaker pro tem.

Thereupon, Mrs. Najarian assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

**Orders**

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1554)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Freeport Chapter of Dollars for Scholars Recipient of the Reader's Digest Scholars Award Presented by Trustees of Citizens' Scholarship Foundation of America

We the Members of the House of Representatives and Senate do hereby

Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mr. Drigotas of Auburn presented the following Joint Order and moved its passage: (H. P. 1555)

WHEREAS, the cost and scope of governmental services, including education and public assistance, have increased dramatically in recent years and raised the question of revenue increases, including the possibility of tax changes at both the local and state level; and

WHEREAS, the increasingly complex economic, social and other ramifications of any tax change demand a comprehensive view of tax policy at the local, state and federal levels; and

WHEREAS, vital information as to the burdens and effects of our state and local taxes is recorded by the various executive and legislative branch agencies, yet is rarely compiled and made available so as to give Legislators a comprehensive view of the tax structure of the State of Maine; and

WHEREAS, because of this lack of information, Legislators must often pursue tax reforms through narrow, piecemeal legislation and at times are not able to judge the full consequences of their decisions; and

WHEREAS, if the need for substantial changes in state or local taxes is eventually agreed upon, then alternative tax plans, offering examples of coordinated tax increases and their effects on the people and economy of this State, must be available as guides for the preparation of tax reform legislation; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Taxation of the 107th Legislature, to study the state tax structure and to compile practical, concise background papers on the mechanisms and practical effects of current and potential state and local taxes. These background papers shall utilize information currently compiled at the local, state and federal levels and shall serve as drafting guides for new tax legislation. Such background papers shall include at least the following analyses:

1. An evaluation of existing and potential state and local taxes to determine whether their tax burdens are or would be regressive or progressive;

2. Economic profiles of different hypothetical categories of state citizens who bear the burdens of the different state taxes, for example, taxpayers by significant income brackets and sources, family sizes, consumption, property holdings, needs;

3. Complete descriptions of the state's present tax bases and possible alternative and additional tax bases, for example, the taxation of the currently exempt business inventories;

4. A listing of all current tax exemptions, including estimates of lost revenues for each exemption and an analysis of whether the goals of each exemption might

be better promoted in other ways, including the collection of the lost taxes and the payment of state subsidies;

5. An evaluation of existing and possible alternative tax relief programs as to their cost, effectiveness, accuracy and the extent to which they aid the population they are designed to reach;

6. Utilizing the state's current program based budget and other information, a compilation of a "poverty budget" which would outline the state, federal and local resources that go to different categories of the poor, breaking down expenditures so as to show the amounts spent for different goals, including housing, jobs, health and food, and on different kinds of poor, including the elderly, disabled, transient and marginally employed; thereby promoting greater accuracy in poverty tax relief programs;

7. A compilation of alternative tax programs which would be used to guide Legislators seeking to promote tax reform; such alternative tax programs shall set forth new combinations of taxes, utilizing both old and new tax bases. Each new tax program shall be analyzed as to its:

A. Economic efficiency: For example, does it upset relative product costs, thereby tending to distort consumption, production and locational decisions;

B. Elasticity of tax yield: If elasticity is high, the tax collections respond to changes in economic activity, thereby affecting a citizen's spendable income by taking relatively more funds out of the income stream in an economic upswing and placing more in the income stream in a downswing; in times of prosperity, high elasticity allows increased expenditures to be financed without changes in tax rates; and

C. Progressivity; and

8. An analysis of increases in the state personal or corporate income taxes, excise taxes or sales taxes as to their economic effect on jobs, Maine businesses and the location of new industries in Maine; and be it further

ORDERED, that any appropriate agency of the Executive and Legislative branches, including the Legislative Finance Office, the Department of Finance and Administration, the Department of Health and Welfare, the Department of Commerce and Industry and the Department of Manpower Affairs, shall be respectfully asked to compile and provide such information or studies on the state tax structure as is necessary to assist the committee in their study; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and final drafts of necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive.

The Order was read.

(On motion of Mr. Drigotas of Auburn, tabled pending passage and specially assigned for Monday, May 5.)

Mrs. Post of Owls Head presented the following Joint Resolution and moved its adoption: (H. P. 1557) (Approved for introduction by a Majority of the Committee on Reference of Bills)

Joint resolution requesting Governor

James B. Longley to ensure that the State Bureau of Purchases shall contract for building materials and products of Maine origin where possible

WHEREAS, the use of building materials and products originating in other states and in foreign countries threatens to displace the use in this State of building materials and products of Maine origin; and

WHEREAS, the manufacturer of lumber, cement, granite and other building materials and products in this State is indispensable to the economy of this State; and

WHEREAS, it is possible for the State to act to protect this vital Maine industry by requiring Maine materials and products to be used where possible in construction funded by state moneys; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature, respectfully request and urge the Governor of the State of Maine to take all measures necessary to ensure that where construction materials or products originating in Maine are in direct competition with construction materials or products originating in other states or in foreign countries, the State Bureau of Purchases shall contract only for Maine materials and products; and be it further

RESOLVED: That a suitable copy of this resolution be sent by the Secretary of State to Governor James B. Longley as notice of this resolution.

The Resolution was read.

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

Mrs. POST: Madam Speaker, Ladies and Gentleman of the House: Our county in the past few months has been faced with the problem of competing industries from foreign countries in industries which are heavily subsidized. We have seen one business close completely because it was not able to compete with a heavily subsidized foreign industry. We have had a second industry which has had some layoffs in the past. Although the workers have now been called back to work, the situation is very serious.

I think we are all very well aware that there are few things the state can do in this kind of situation because of the various interstate commerce regulations, but one thing the state can do, and one move that I would like to see it take, is that when bids are put out for state financed construction that we take every move possible to insure that consideration is given to our own Maine industries. This is what this order is asking the Executive Department to do.

Thereupon, the Resolution was adopted and sent up for concurrence.

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

Mr. Carpenter from the Committee on State Government on Bill "An Act to Clarify the Powers of Regional Planning Commissions" (H. P. 992) (L. D. 1256) reporting Ought Not to Pass

Mr. Carpenter from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Provide for Facsimile Signatures on Commissions (H. P. 1349) (L. D. 1625) reporting same.

Mr. Dow from the Committee on Performance Audit on Bill "An Act Relating to Notification of Pending Applications for Aid to Families with

Dependent Children" (H. P. 1466) (L. D. 1732) reporting same.

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

#### Leave to Withdraw

Mrs. Snowe from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution Repealing the Provisions for Municipal Home Rule (H. P. 1081) (L. D. 1361) reporting Leave to Withdraw.

Mr. Perkins from the Committee on Judiciary on Bill "An Act Concerning Attorneys' Fees and Costs to Wives and Husbands under the Divorce Statute" (H. P. 915) (L. D. 1129) reporting same.

Mr. Gauthier from the Committee on Judiciary on Bill "An Act to Provide Compensation for Victims of Violent Crimes" (H. P. 1088) (L. D. 1368) reporting same.

Mr. Perkins from the Committee on Legal Affairs on Bill "An Act to Provide for the Selection of Architectural and Engineering Services by the State" (H. P. 1419) (L. D. 1730) reporting same.

Reports were read and accepted and sent up for concurrence.

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

Mr. CALL: Madam Speaker, Ladies and Gentlemen of the House: I move that this House reconsider its action relative to Item 7 on page 4, whereby we receded and concurred with the Senate.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Call, moves we reconsider our action of earlier in the day whereby we voted to recede and concur on Bill "An Act relating to the Prohibition Against Hitchhiking," House Paper 1474, L. D. 1564.

Mr. Davies of Orono requested a vote on the motion to reconsider.

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

Mr. CALL: Madam Speaker, Ladies and Gentlemen of the House: The fact that the chamber down the hall tabled this matter at least eight times is strong proof alone that they just couldn't come to agreement.

If this bill passes with the ambiguous amendments which serve only to camouflage the issue more and to cause ambiguity and authorities to enforce the law even less, we might just as well have no law prohibiting hitchhiking in any shape or form. The argument that the law should be removed or diluted because it isn't being enforced anyway is a decidedly weak argument. Do we realize just how many other laws presumably in effect are disregarded completely? Police are entitled to their own judgment in countless incidents, law or no law.

Many reasons were given for the presentation for the bill which went through the legislature in 1929 presenting the law against hitchhiking. One objection to the practice of hitchhiking was that hitchhikers often were right out in the middle of the road and it was difficult at times to avoid them. What's more, a wide sweep of the car to the left to avoid a hitchhiker might result in collision with a vehicle coming from the opposite direction. One of the strong arguments used at the time was that on occasion when a hitchhiker was refused a ride, he would

shout an obscenity at the motorists. We must keep in mind one thing while studying the bill, that verbal obscenity of the past could be considered as complimentary language today.

A continuing argument against continuing this law is that it is not enforced very often. There are many laws which are enforced only when proper authorities deem such necessary. There is nothing wrong with that. A remedy should be available at all times to a law enforcement officer in case action is necessary. If this bill passes hitchhikers will be a greater nuisance than they were prior to the year 1929. I predict that they will stand right out in the middle of the road and defy motorists.

During World War II, while he was an instructor at an Aviation School in Waterville, the son of a prominent Auburn Dentist was shot and killed after picking up a male teenager. In October of 1946, or thereabouts, an Auburn young man who had just been honorably discharged from the Army picked up two hitchhiking men in an Army uniform near Wiscasset. They killed him, dumped him in the ditch on the side of the road and took off in his car. I say, keep the law and let those motorists who want to take chances with strangers on the highway seeking rides stop and give them a ride. It is their business but it is risky business.

During the past Thanksgiving Holiday period, a man from out of state who was enroute here to visit his mother picked up three hitchhikers. He told authorities that while he was a captive there was a perilous period of time when he felt very certain that they were going to kill him. They had a weapon and according to him almost used it. If the hitchhiking provision is removed, not only will present hitchhikers become bolder, but their ranks will increase.

Now, the amendment which was passed down the hall would call for permissible hitchhiking during the day time. Well, the man during the Thanksgiving Holiday planning to visit his mother, he was abducted during the daytime. Then also, municipal authorities would be able to judge for themselves according to the amendment. Also, there is something about the Department of Transportation. We know that this law isn't being enforced much now, but if we go along and pass the bill with that amendment, there will be more and more confusion and I can assure you that one thing will be this, the police will say, well if that is what the legislature wants, all right, we will let the bars down completely and we know the bars are down too much now.

I beg of you people to, in the division, please go along with my motion to have this matter taken up again — reconsidered.

The SPEAKER pro tem: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Madam Speaker, Ladies and Gentlemen of the House: I would disagree with my good friend, Mr. Call, from Lewiston. This bill does not provide for free hitchhiking. I think it provides a controlled method of allowing people who have no other form of transportation to get around.

It does not completely liberalize the laws so that anyone can hitchhike at any place at anytime. It says that hitchhiking will be allowed during the daylight hours in areas where it has not been regulated or prohibited by municipality or by the

Department of Transportation.

These amendments have been put on since the bill was initially introduced to provide a mechanism so that in areas where it is dangerous for a person to be hitchhiking, either for the person hitchhiking himself or for the motorist, that the town or the Department of Transportation can regulate or prohibit this activity in those areas.

The number of people in this state and this country who are being forced to hitchhike because of rising energy prices or their inability to afford the purchase or operation of a motor vehicle is growing. A large number of them are young people, but it is not completely young people.

I have been a hitchhiker for most of my life, since I was about 12 years old. I find it one of the most fascinating methods of moving around the country. I have been to the west coast and back. I have been to Georgia and back. I have never run into any problems. I have met fascinating people and I have been able to get around inexpensively. I am finding now as I travel around that it is not just young people that are hitchhiking, it is working people, elderly people, people who are finding that the price of gasoline at 55 cents a gallon or more is just too much for them to afford.

What this bill does is it makes it possible for these people, who have no other form of transportation to get to work, to get to school, to get to shopping centers, to carry on a normal life that you and I are used to being able to carry on with our automobiles, to make it possible to make it legal in those areas does not endanger either the driver or the hitchhiker himself.

In my own community of Orono, approximately 50 percent at the University of Maine live off campus. Of these 50 percent of the students, approximately 4,000 students, one third of them have to use hitchhiking to get to and from classes. They all know that they are violating the law and a number of them have been picked up and given citations for this. It gets to be rather expensive when you have to pay out \$15 or \$20 for being picked up for hitchhiking. But if they want to go to school, if they want to better themselves, receive the training that they feel is necessary to go on and get a decent job and be a taxpaying individual, they have to hitchhike, and all they are asking is that they be allowed to do this within reasonable bounds. The amendment that was put on in the Senate I think is reasonable. I think it provides additional guidelines which will make provision for any rules and regulations that a town wants to provide easily applicable.

The Senate had it tabled as long as it did, not because they were unable to decide but because the sponsor of the amendment that was finally accepted, Senate Amendment "C", was not in the Senate for an entire week. I think that is the reason why it was tabled.

So I would urge you all to oppose this motion to reconsider and I would ask that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Madam Speaker, Ladies and Gentlemen of the House: I was fortunate in getting through college before 1929. I was one of these so-called poor students, financially, not too good scholastically, and I did most of my traveling by hitchhiking. I had to if I was

going to go anywhere. At the present time I live in Winthrop; we have many Winthrop students who attend the University of Maine in Augusta. For many of those people, the only way they can get here and back is by hitchhiking. I pick them up every time I come in if they are around. They are hassled constantly by the local police. The State Police, they tell me, do very little interfering but the local police, if they catch them, always drag them in. I have promised those students that I would vote for whatever hitchhiking bill was available and I hope you will defeat this motion.

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

Mr. SPENCER: Madam Speaker, Ladies and Gentlemen of the House: In terms of the safety problem with hitchhiking, I have hitchhiked through most of the United States and in Canada and in Europe and I have found that there are two methods which can be used, one by the hitchhiker to protect himself and one by the driver to protect himself. If you simply roll down the window a crack before you pick up a hitchhiker and ask them to identify themselves and prove who they are and show you their student I.D. and so on, the chances of getting somebody that is dangerous are very slight. And if as a hitchhiker you feel that you are threatened either by the driving of the person that has picked you up or by his other behavior, you simply pretend that you are going to be car sick and throw up on his seat and he will let you out immediately.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of a roll call 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 pro tem: The pending question is on the motion of the gentleman from Lewiston, Mr. Call, that the House reconsider its action of earlier today whereby it voted to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Blodgett, Call, Carter, Conners, Cote, Dudley, Farnham, Fraser, Gould, Immonen, Jacques, Laffin, Littlefield, Lizotte, Martin, A.; Morton, Perkins, T.; Peterson, P.; Shute, Snow, Theriault, Torrey, Twitchell, Walker, Webber.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Carpenter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Doak, Drigotas, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBairty, McKernan, McMahan, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Norris, Palmer, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Silverman,

Smith, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Tierney, Tozier, Truman, Wagner, Wilfong, Winship.

ABSENT — Carey, Carroll, Churchill, Curran, R.; Dow, Gray, Kelley, LaPointe, Lovell, Najarian, Peakes, Strout, Tyndale, Usher.

Yes, 25; No, 110; Absent, 14.

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

#### Ought to Pass in New Draft New Draft Printed

Mr. Gray from the Committee on Local and County Government on Bill "An Act Relating to Compensation of Full-time Deputies in All Counties" (Emergency) (H. P. 101) (L. D. 120) reporting "Ought to Pass" in New Draft (H. P. 1556) (L. D. 1869)

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

#### Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act to Restrict Liquor Control Commission Records of Liquor Violations to Violations which are Less than 5 Years Old" (H. P. 981) (L. D. 1244)

Report was signed by the following members:

Messrs. CARBONNEAU of Androscoggin  
DANTON of York  
GRAFFAM of Cumberland  
— of the Senate.

Messrs. IMMONEN of West Paris  
LIZOTTE of Biddeford  
DYER of South Portland  
MAXWELL of Jay

— of the House.

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

Report was signed by the following members:

Messrs. TWITCHELL of Norway  
FAUCHER of Solon  
PIERCE of Waterville  
RAYMOND of Lewiston  
PERKINS of Blue Hill  
JACQUES of Lewiston

— of the House.

Reports were read.

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

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

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

Mr. JACQUES: Madam Speaker, Ladies and Gentlemen of the House: This bill had a pretty good hearing. As you notice, the committee report is 6 to 7. I voted in favor of "ought to pass." Some of these records we would like to have erased from their records after five years.

In our area, we have clubs that some members are appointed president that might have had a speeding violation, and if they happen to forget to put it on their records, it is used against them and the license is held up for sometimes weeks and months.

The department head appeared at the hearing and told us he did not object to these records being erased. So I cannot see anything wrong by reporting this bill "ought to pass."

As I just said, the report is 6 to 7, so it is pretty close. So I hope you do not accept the "ought not to pass" report and I ask for a division.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 54 having voted in the negative, the motion did not prevail.

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

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Allowing a Bureau Chief in the Department of Business Regulation to Serve Simultaneously as the Commissioner" (Emergency) (H. P. 1042) (L. D. 1333)

Report was signed by the following members:

Messrs. CURTIS of Penobscot  
GRAHAM of Cumberland  
WYMAN of Washington  
— of the Senate.

Mrs. KANY of Waterville  
Messrs. COONEY of Sabattus  
LEWIN of Augusta  
STUBBS of Hallowell  
PELOSI of Portland  
CARPENTER of Houlton  
WAGNER of Orono

— of the House.

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

Report was signed by the following members:

Mrs. SNOWE of Auburn  
Messrs. QUINN of Gorham  
FARNHAM of Hampden  
— of the House.

#### Reports were read

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

Mr. COONEY: Madam Speaker, I move acceptance of the Majority Report.

The SPEAKER pro tem: The gentleman from Sabattus, Mr. Cooney, moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. HINDS: Madam Speaker, Ladies and Gentlemen of the House: This bill is one opportunity for us to start some savings, although it might be small, \$48,000. The Governor would like permission to appoint a bureau chief in the Department of Business Regulation as commissioner.

Since it is the feeling of the bureau chiefs and the Governor that there isn't enough work for a commissioner to do in this particular department to warrant a \$25,000 a year salary to sit around and supervise the Department of Banking, Insurance, Real Estate, Consumer Protection, Boxing and Land Damage. One of the main reasons for this is that the legislature, when they reorganized the Department of Business Regulation, saw fit to state in the law, and I will quote: "That the Commissioner shall not have authority to exercise or interfere with the exercise of any of the discretionary statutory authority granted to the following



departments," and those are the departments which I have named. So, in other words, the commissioner can organize personnel in the departments and watch over the budgets, but outside of that, he or she has no other control.

At the public hearing, there was no opposition to this bill, except that the previous commissioner, Mrs. Weil, who left in kind of a flurry, sent a letter to the committee opposing any change. I was told by Mr. Gelder, who is the Acting Commissioner at the present time and who is the head of Banks and Banking, that Mrs. Weil had planned to request and did have in the budget more than \$100,000 for the Commissioner's department, and he could see no use for this and he deleted it when the Governor's budget was presented.

I think this is a move in economy. It isn't something that is made mandatory. If the department is increased in the next few years by act of the legislature, a commissioner can be named. But I think this is one small chance for us to save \$48,000 that we can put to better use somewhere else, and I hope that you will oppose the motion of the good gentleman from Sabattus, Mr. Cooney, to accept the "ought not to pass" report so that you might accept the "ought to pass" report, and when the vote is taken, I would request a roll call.

The SPEAKER pro tem: Madam Speaker, Ladies and Gentlemen of the House: Mr. Hinds has brought up some good points, and certainly the majority of the committee is not unsympathetic with the possibility of saving roughly \$25,000 a year in salary. I think it is fair to say that if the bill does pass as an emergency measure, the Governor will appoint a bureau chief as the commissioner of the department, and certainly the savings in money would be made.

But for those of us who have worked long and hard on government reorganization to establish the major groupings of bureaus that we have been able to make, we see that the Business Regulation Department has been one that has come together hard, because there is a great deal of misgivings between banks and insurance companies, real estate agents and others and these groups did not want to come together into a department. They had their own bailiwicks, and they fought hard for them, just like many other special interest groups did. And I think it is the feeling of the majority of the committee that to rush to this kind of legislation, even though it is permissive, we know it is going to happen, is going to jeopardize the running of this department, keeping these different, sometimes disagreeing groups at peace with each other, and we feel that it is necessary to have a commissioner who is not married to one of the bureaus running the department. If that is worth \$25,000, I am not sure.

But let me give you one more reason that we considered in our discussion. We see that the Business Regulation Department is becoming more and more important all the time. We have added the Consumer Protection Bureau to it. We all know how complex the consumer credit code is and what it is entailing now and will entail in the future. We have a bill before the State Government Committee which will combine all licensing boards, barbers, cosmetologists, what have you, into one licensing bureau. There will be savings and efficiencies and organizational improvements if such a thing can be

worked out, and whether it happens in this session or is studied and done in the future, we can see that the Business Regulation Department is going to be the place where that organization takes place.

To pass this bill today I think is a step backwards in the direction of having some kind of a real organization in the business regulation field. So I sincerely hope that even though there is a savings situation and it makes good press and it makes good constituent relations, it doesn't make good sense in keeping this department working properly. So I sincerely hope you will vote with the majority report and that you will try to keep the things that we have accomplished in the last couple sessions of the legislature intact so they will be given a chance to operate and work.

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

Mr. LAFFIN: Madam Speaker, Ladies and Gentlemen of the House: I feel that if the taxpayers of this state can save any amount of money on department heads that in a lot of cases we don't need, a department head checking another department head and vice-versa, it is good that we save the money. I think that is important.

I disagree wholeheartedly with my colleague from the other side of the aisle. I feel that the most important thing here today is if we can start saving in the right direction. Therefore, I support Mr. Hinds from South Portland.

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

Mr. FARNHAM: Madam Speaker, Ladies and Gentlemen of the House: As a signer of the minority "ought to pass" report, I rise to support the arguments presented by the gentleman from South Portland, Mr. Hinds.

A little history on this might be wise or might be valuable to the newer members. When we were in the reorganization state, there was intense lobbying by the banking interests and the insurance people. They just didn't want to sit in the same house together. As a result, we came out with a compromise which leaves two people with half a job and all this bill does is make a full time job for one person and relegates some other person to some other assignment.

I am not going to get all upset over saving \$48,000, inasmuch as it doesn't land in my pocket, but I think it is a very wise move.

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

Mrs. SNOWE: Madam Speaker, Ladies and Gentlemen of the House: This is a cost savings, that is why I am supporting this measure. Just like the gentleman from Sabattus, Mr. Cooney, said, it is permissive legislation, it is allowing the Governor to have the option of appointing someone within the department to act as commissioner at the same time as head of another bureau.

I would also like to point out to you, in this document it states right in it that the commissioner shall not have the authority to exercise or interfere with the exercise of any discretionary statutory authority granted to the following, which authority shall be exclusively within the specific bureau. So the commissioner would not be interfering with the other bureaus within that department.

The SPEAKER pro tem: 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 pro tem: 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. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Berry, P. P.; Berube, Blodgett, Burns, Bustin, Carey, Carpenter, Carter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, DeVane, Drigotas, Faucher, Flanagan, Goodwin, H.; Goodwin, K.; Hendereson, Hennessey, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Joyce, Kany, Kelleher, LaPointe, Laverty, Lewin, MacEachern, Mahany, Martin, A.; Miskavage, Mitchell, Pelosi, Peterson, T.; Post, Powell, Raymond, Rolde, Silverman, Smith, Snow, Strout, Stubbs, Susi, Talbot, Tarr, Theriault, Tierney, Truman, Wagner, Walker, Wilfong.

NAY — Albert, Ault, Bagley, Bennett, Berry, G. W.; Birt, Boudreau, Bowie, Byers, Call, Connors, Cote, Curtis, Doak, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gauthier, Gould, Greenlaw, Hall, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jensen, Kauffman, Kelley, Kennedy, Laffin, Leonard, Lewis, Littlefield, Lizotte, Lunt, Lynch, Mackel, MacLeod, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Morin, Mulkern, Nadeau, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Rideout, Rollins, Saunders, Shute, Snowe, Spencer, Sprowl, Teague, Torrey, Twitchell, Webber, Winship.

ABSENT — Carroll, Churchill, Curran, R.; Dam, Dow, Gray, LeBlanc, Lovell, Mills, Morton, Najarian, Peakes, Tozier, Tyndale, Usher.

Yes, 61; No, 73; Absent, 15.

The SPEAKER pro tem: Sixty-one having voted in the affirmative and seventy-three in the negative, with fifteen being absent, the motion does not prevail.

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

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Relating to Trade-in Credit on All Sales or Exchanges of Personal Property" (H. P. 1008) (L. D. 1276)

Report was signed by the following members:

Messrs. WYMAN of Washington  
MERRILL of Cumberland  
— of the Senate.

Messrs. TWITCHELL of Norway  
IMMONEN of West Paris  
DRIGOTAS of Auburn  
FINEMORE of Bridgewater  
MAXWELL of Jay  
SUSI of Pittsfield  
MULKERN of Portland  
— of the House.

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

Report was signed by the following members:

Mr. JACKSON of Cumberland  
— of the Senate.  
Messrs. MORTON of Farmington  
COX of Brewer  
DAM of Skowhegan  
— of the House.

Reports were read.  
On motion of Mr. Drigotas of Auburn, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-230) on Bill "An Act Concerning Candidates for Public Office who are Running as Independents" (H. P. 953) (L. D. 1192)

Report was signed by the following members:

Messrs. CORSON of Somerset  
O'LEARY of Oxford  
— of the Senate.

Mrs. BOUDREAU of Portland  
Mrs. DURGIN of Kittery

Messrs. MACKEL of Wells  
BIRT of East Millinocket  
BUSTIN of Augusta  
KENNEDY of Gray  
— of the House.

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

Report was signed by the following members:

Mr. BERRY of Cumberland  
— of the Senate.

Messrs. SHUTE of Stockton Springs  
CALL of Lewiston  
TALBOT of Portland  
— of the House.

Reports were read.

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

Mrs. BOUDREAU: Madam Speaker, Ladies and Gentlemen of the House: I move we accept the Majority "Ought to pass" Report.

The SPEAKER pro tem: The gentle lady from Portland, Mrs. Boudreau, moves the House accept the "Ought to pass" Report.

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

Mr. CALL: Madam Speaker, Ladies and Gentlemen of the House: I ask for division please.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Call, asks for a division.

The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Madam Speaker, Ladies and Gentlemen of the House: I hope this morning that you will accept the minority "Ought not to Pass" report. What this bill does, if you have read it over any, is to put the Independent candidates at a great disadvantage in running for any political office. At the present time under the Election Laws Statutes, a Republican or Democratic candidate can change party enrollment at the filing deadline of April 1, and run in a different political party from which he was previously enrolled in. Under this bill here, a person that is a Republican or Democrat would have to give up his party enrollment three months before the filing deadline or the date upon which he filed. I wonder if we, as party people, are running so scared that we have to put the Independent candidates at a three months disadvantage over the party candidate. I would hope that you would defeat the majority "Ought to Pass"

report and accept the minority "Ought not to Pass" report.

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

Mrs. BOUDREAU: Madam Speaker, Ladies and Gentlemen of the House: If you notice, the Election Laws Committee has three divided reports on Page 9 of your calendar. These three all go together. The first one, L. D. 1192, does say a non-enrolled candidate desiring to run for an office must have been a non-enrolled voter for three months prior to filing. This does not prohibit anyone from running. I do not believe any individual should have the advantage of looking the field over and deciding the Democrat or Republican candidate might be easy to beat and then decide to run as a third party while enrolled in one of the major parties. If you notice the next bill that we come to puts the same restrictions on the members of the two major parties. We are trying to treat all people equal and fair and that is all this is trying to do.

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

Mr. CALL: Madam Speaker, Ladies and Gentlemen of the House: Too many people refuse to vote now. We know that the percentage is less than 40 percent — the number of those who could go, being down less than 40 percent.

This legislature should be taking steps to encourage voting. I consider this not only to be an unfair bill, no matter what has been said to the contrary, I call it a hostile bill. I don't think there is any question but what these bills that have to do with the Independent voters are aimed at correcting probably what happened in the last general election. I repeat, we should be encouraging people to vote, not taking steps in this House to discourage voting. I am, personally, particularly surprised and chagrined to see who the author of this bill is. During the 105th Legislature, I had reason to believe that I had no better friend in this House than the gentleman from Solon, Mr. Faucher. On many an occasion when I had a problem, I went to the good gentleman from Solon and he straightened out my problem, and I ask you this, would you expect somebody, who presents a bill like this, aimed at the Independents to do as Mr. Faucher has on occasion in the 105th, and now, he will come up to me and he will address me in this manner: Comment va-t-il aujourd' hui mon bon ami, George? Which, if you madam speaker don't know means, "how is my good friend George today?" On the other hand, when my good friend from Sanford, Mr. Gauthier, addresses me with: Comment va-t-il aujourd' hui mon bon ami, George? I know that he means it. So, I beg of you to sit on this bill to shackle it in good shape. I don't expect the gentleman from Solon to greet me that way anymore, until he can prove that he means it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Madam Speaker, Ladies and Gentlemen of the House: Two objections have been made at this point to this measure. Neither have any merit. The first one was raised by Representative Shute, who alleges that this bill is a discriminatory measure against Independents in general. The House Chairwoman of the Election Laws Committee has already reported to you that the next bill on the calendar makes

the same provision for Republicans, Democrats, and Independents. I have said before, on the floor of the House regarding election law measures, you either got spots, you got stripes, you got no markings at all, let people know what it is. The second argument that has been raised by Representative Call is that this would not encourage voting. This measure has absolutely nothing to do with the encouragement of voting. It does have something to do with, who people they know they are voting for. They are either voting for a Republican or a Democrat or an Independent and three months in advance of the filing deadline, the voters will know who they are.

My good friend, Mr. Call, I am sure, is being quite facetious when he refers to a move by Mr. Faucher to cause him some problems. There is absolutely nothing personal in this matter at all. There are those of us who still consider Mr. Call a member of a good party. He may have got led astray in the last election.

I hope that you will accept the division the Majority Report.

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

Mr. MCKERNAN: Madam Speaker, Members of the House: I would like to pose a question. My arithmetic isn't too good this morning. About what time of year are we talking about in three months, is this sometime in March is my question?

The SPEAKER pro tem: The gentleman from Bangor, Mr. McKernan poses a question through the Chair to anyone who cares to answer.

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

Mrs. BOUDREAU: Madam Speaker, Ladies and Gentlemen of the House: The third bill clarifies that. Three months prior to filing date, which would be January.

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

Mr. MCKERNAN: Madam Speaker and Members of the House: As I said my arithmetic was bad. I thought it was March. I thought they meant the filing date for an Independent which would be in June. Regardless of whether it is March or January, I think the point that we haven't brought out in the debate here today, is the whole point of allowing an Independent candidate to run, not to participate in the primary, is to present an alternative to the candidates of the major parties.

If you require an Independent to become an Independent, before he or she even knows who the candidates are for the major party, then you are no longer allowing them to present that alternative.

I think this is a bad piece of legislation. I don't want to try to say what the motives were of our present Governor, whether or not he ran as an alternative or whether he ran because of a certain position that he wanted to espouse during the campaign as Governor. The point is, I think, that if we pass this legislation, we no longer are going to give the people the opportunity to run as an Independent to oppose the major parties because they don't agree with the candidates who are going to be the nominees of those parties.

I think that what we should be doing is continuing the system which allowed anyone who does not agree with the major parties to run as an alternative. One of the problems, perhaps, with our present system is that people aren't excited and they proved that in the last election with



either political party. If we can't field candidates that excite the people and the people want to support, then there ought to be an avenue open for somebody else to try to present a side of the story that perhaps we are not presenting. I think that this piece of legislation does just the opposite, it is going to make people decide before they even know who the candidates are from the two parties. I don't know we want to do that, I think we want to try to encourage people to belong to either of the major parties to take an active part. However, we also want to leave them the opportunity to present a different voice if they don't agree with the voice that is being presented by the two parties. I would urge you to defeat this piece of legislation.

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

Mr. FINEMORE: Madam Speaker, Ladies and Gentlemen of the House: I oppose this bill very much. I consider myself an Independent, a registered Republican, but Independent. I do not think that you should force someone to change over just because they feel that way. Last year, prior to our election, I had 18 Independents register over to Republicans, temporarily to vote for me in the primaries, and since that time, I imagine, most of them have changed back as Independents.

I noticed last year, that we as Republicans, in Aroostook County and in District 33, we lost a Senator for the simple reason, I think, that he spoke for an Independent and I think he really done a good job on himself because he lost by quite a majority in a Republican district. Of course, the original bill, L. D. 1192, reads that this is one year but the amendment, House Amendment No. 230 reads three months but I don't think anytime, I think the law is as it is now. My opinion is the more we fool around with these laws, that we have had for so long, sometimes we drive away the older voters. I have found the older voters, the voters 65 up to 75 and even older, hesitate in coming to the polls anymore because we have made so many changes. We have made changes, changes and changes. Let's stop that. Let's stay the old way that we were for 150 years. Why go to work and fool around with this and come out with a lot more. I think if anyone wishes to run Independent, let them run Independent, whether they are registered Independent or not. That is what Independent means, in my opinion. It is having a mind of your own and voting the way you wish. I wouldn't want to change my method and I don't think any party can make me change my method. I believe when you come into this House you should come in here open minded. If it is a bill of my opposite party, I like the bill and it is a good bill, I will vote for it. If it is a bill from my party and I don't like it, I will vote against it. I think that is the way we all should be. I think we are losing our rights. I hope this morning you will vote to kill this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Madam Speaker, Ladies and Gentlemen of the House: I move that this be tabled one legislative day.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Madam Speaker and Members of the House: I ask for a division on the tabling motion.

The SPEAKER pro tem: The gentleman from Augusta, Mr. Bustin, requests a division on the motion of Mr. Mackel's table motion. All those in favor of tabling one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Madam Speaker, Ladies and Gentlemen of the House: I do not want to disagree with my good House Chairman, Mrs. Boudreau, but the question asked by the gentleman from Bangor, Mr. McKernan, was what the three months meant in the bill. The bill says three months prior to the filing date, so if you filed on the 2nd of January, it could go back to October 2nd, not December 31st.

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

Mr. BIRT: Madam Speaker, Ladies and Gentlemen of the House: To clear up the first point, I don't think there is any question about the filing date, the filing date is April 1st. That would mean that it would go back to three months before that or January 1st.

I think in reporting these bills out, the majority of the committee reporting them out "Ought to Pass" on all three of these bills, they were working at the idea of trying to set up a standard set of rules where everybody plays by the same set of rules. At the present time you have people who are, I feel, so-called Independents because there is no such thing as an Independent. I occasionally hear the comment made the registered Independent, well, I fail to understand how you can register as an Independent, there isn't any such thing. An Independent is a person who just isn't made a choice. In talking with good students of political science and I have talked with two or three, who I feel are the best in the state, best authority on political science, they all feel that they should, in some way or the other, be involved in the party arrangement. They should belong to either one party or the other. I think that this is actually going to lead more to fragmentation of parties if we continue on this direction and this is why we are trying to set up some guidelines. I am not convinced that the comments that the good gentleman from Lewiston, Mr. Call made, that this would improve the voting. I think it was well pointed out by the gentleman from Augusta, Mr. Bustin, that this actually had no relationship to the number of people voting.

Some of this is not new. The inference that this might have been brought about by what happened in the Gubernatorial race. I was interested in some of this several years ago. In fact, I sponsored a bill very similar to one of these bills several years ago, which has my name on it as a co-sponsor at the present time.

I think there are several things that have come into the picture lately. I think the development or the elimination of the big box and using the office type ballot in which all of the names are put in a row, has opened up a whole new field as far as people who don't belong to any party is concerned, and could, to some degree, result in fragmentation of the whole party structure and finding people running in all

kinds of directions under all kinds of party labels. I frankly believe this is a good bill. I think, at least, we felt so in the discussion in the committee and I hope you will support the motion to accept the majority "Ought to Pass" report.

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

Mr. DeVANE: Madam Speaker, Ladies and Gentlemen of the House: I would move that this bill and all of its accompanying papers be indefinitely postponed and say just a very few words to that point.

This House has already rejected a proposal which would have provided for broader challenges within the parties and I would hope that you wouldn't be that afraid of challengers from without the parties that you would pass this type of legislation. I move indefinite postponement.

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

Mr. JENSEN: Madam Speaker, Ladies and Gentlemen of the House: I think people are getting these three bills confused. Someone mentioned a moment ago, that if Item 11 were to pass, then the filing deadline for Independents would be sometime in January or sometime in October. I think we ought to take them one at a time. If this bill passes, the filing deadline will be sometime around April, or late March. If item 13 passes, a bill that Representative Birt and myself cosponsored, that would make another change. Now I think you talk one change at a time. You shouldn't confuse the three bills when you vote on one. The filing deadline for item 13, which we are not discussing right now, would mandate that everyone file on the same day. Item 11 that is before us now has a different requirement. I don't think the members should confuse the two, should vote on one item at a time.

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

Mr. CALL: Madam Speaker and Members of the House: Contrary to what was said a few moments ago, I have never heard the expression "registered independent." The term "registered Republican" or "registered Democrat" is erroneous, as far as that goes. The proper term is "enrolled Republican" or "enrolled Democrat." Step one in our voting process is registration. Step two is the choice of enrolling or not enrolling in one of the major parties.

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

Mr. BERRY: Madam Speaker, Ladies and Gentlemen of the House: I hope you will oppose the indefinite postponement motion. I really have no objections to an unenrolled person, if you want to call them that, running in any election. I have no objections to any number of them running in an election. I have run probably 12 times myself, every one of these 12 times I knew well in advance that I was going to run, and I knew under which party label I would run. I didn't have to wait and decide, do I want to run against this person or that person? I didn't bother to make that choice. I was a serious enough candidate to know that I was going to do it and how I was going to do it. It wasn't a question of fooling around to see if I had to run against Johnny Jones or whoever, and I think that's the way it ought to be.

I sincerely hope you will oppose the indefinite postponement motion.

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

Mr. McKERNAN: Madam Speaker, Ladies and Gentlemen of the House: I would like to repeat what Representative Jensen from Portland said, and that is that there are in fact three bills coming up and they get worse as we go on.

The problem I have with this is that I am not sure I can agree with what dates we are talking about. If you read L.D. 1192, and I am going to read it to you, in case you don't have it in front of you, it is only four lines. It says, "No person shall file by nomination petition of the candidate for any federal, state or county office who within one year of the date upon which the nomination petition is filed with the Secretary of State, has been enrolled in a political party as defined in Section 1, subsection 21." That has been amended to say three months. My question is, when is that three-month date, if in fact an Independent files with the Secretary of State on primary day. It doesn't say when a candidate of a major party files, which is April 1, what it says is, when he files his nomination papers with the Secretary of State, and I believe under present law, an Independent files on primary day. If that is the case, then that makes three months before the primary. As I said, whether it is March or January, it doesn't really matter to me, I think it is a bad idea anyway. I would like to know if anybody on the Election Laws Committee could answer that for me, please.

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

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

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

Mr. McKERNAN: Madam Speaker, a point of parliamentary inquiry. I am just wondering, obviously the reason for this motion is to find out what date it is. Would a motion to table until later in today's session be in order or not?

The SPEAKER pro tem: The longer time has precedence.

Thereupon, Mr. McKernan of Bangor requested a vote on the tabling motion.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that this matter be tabled pending the motion to indefinitely postpone and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 60 having voted in the affirmative and 58 having voted in the negative, the motion did prevail.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Election Laws reporting "Ought to Pass" on Bill "An Act to Clarify Provisions of the Election Laws" (H. P. 27) (L. D. 35)

Report was signed by the following members:

- Messrs. CORSON of Somerset
- O'LEARY of Oxford
- of the Senate.
- Mrs. BOUDREAU of Portland
- DURGIN of Kittery
- Messrs. BUSTIN of Augusta
- TALBOT of Portland
- KENNEDY of Gray
- MACKEL of Wells

BIRT of East Millinocket  
— of the House.

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

Report was signed by the following members:

- Mr. BERRY of Cumberland
- of the Senate.
- Messrs. SHUTE of Stockton Springs
- CALL of Lewiston
- of the House

Reports were read.

Mrs. Boudreau of Portland moved the House accept the Majority "Ought to pass" Report.

Mr. Call of Lewiston requested a vote on the motion.

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

Mr. McMAHON: Madam Speaker, Ladies and Gentlemen of the House: I want to indicate that this bill does not affect the Independent voter in any way, so I would hope that we would approach this in an entirely fresh light.

This bill attempts to clarify what I am sure was the intent of the legislature, that enacted the present law. Under Title 21, Section 134, subsection 3 as amended, a person may not vote at a caucus or in a primary election within three months after filing application to change enrollment, unless he changes his residence, which is stipulated in subsection 4.

Title 21, Section 444, as amended, provides for the candidate for nomination by primary election must be enrolled on or before April 1 in the party named in the petition. Thus, a person could change enrollment from one party to another on April 1 and qualify as a candidate under Section 444, but be ineligible to vote for himself in the primary because of section 134.

This bill provides that a person who wishes to become a candidate for nomination by primary election may not have changed his party enrollment more recently than three months before the April 1 filing date.

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

Mr. FINEMORE: Madam Speaker, Ladies and Gentlemen of the House: I have been reading this bill here, and maybe the gentleman, Mr. McMahon has explained it to me. But I hope he would agree with what I say. I heard what he said, but I am still wondering about it.

It does say in the statement of fact that the purpose of this bill is to provide that the person who wishes to become a candidate for nomination by primary election may not have to change it, that is true. If we ever pass a law that the Independent does become a party and has to change, then he would have to go under this law. But at the present time, I hope Mr. McMahon will answer this, as this reads now, the Independent, if he was in a party, he was registered as a Democrat or a Republican, would have to change to Independent or could he go right from there? Of course if he is registered Independent, or if he is registered with no enrollment, he can go either way, I know that. But we will say that in my case, if I am registered Republican, do I have to change three months prior? Is that included in this bill?

The SPEAKER pro tem: The gentleman from Bridgewater, Mr. Finemore, has posed a question to the gentleman from Kennebunk, Mr. McMahon, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. McMAHON: Madam Speaker and Members of the House: I am not sure I understand the gentleman's question. As he said himself, if the person were an Independent, and we stipulated earlier that is not a party, in other words, if he is unrolled, he has the option to enroll to vote in the primary at any time.

Being an Independent is not a party, so this bill would not affect an Independent, nor would it affect the Independent candidacy and his method of filing, which was discussed in the earlier bill.

I became aware of this because in the Attorney General's opinion last year, that some other members may be aware of, and it struck me as very inconsistent that a person could be a candidate in a primary election in either party and yet be in the position of not being able to vote for himself, and that is all we are talking about solving, is that particular problem.

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

Mr. FINEMORE: Madam Speaker, I don't think I got an answer. I think the gentleman tried, but what I am saying, if I am registered Republican under this bill, I doubt if I could — I would have to change from that and go without any party in order to enroll as an Independent. I don't think that is what this bill wants to do. I would question whether it would do it or not.

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

Mr. McMAHON: Madam Speaker and Members of the House: To answer the gentleman's question, if the gentleman withdrew his enrollment within the three-month time period, he would not be able to vote in the primary. That is the present law now as well. If he changes enrollment from one party to another within the three months, he could not vote in the other party's primary. If he were an Independent, however, he could enroll at any time up to April 1, vote in that party's primary and even qualify as a candidate in that party's primary.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Madam Speaker and Members of the House: I am a signer of the majority "ought to pass" report, but I am beginning to have second thoughts about it, especially relative to the previous item. In my opinion, if we are going to continue to remove all restrictions and make it an absolutely advantageous thing to run as an Independent by putting more restrictions on party people, then I think that we had better just forget the whole thing and abolish the parties and let everybody run as an Independent.

I would hope at this point, until we see what is going to happen with item 11, that this matter be tabled for one legislative day.

Thereupon, on motion of Mr. Finemore of Bridgewater, tabled pending the motion of Mrs. Boudreau of Portland to accept the Majority "Ought to pass" Report and specially assigned for Monday, May 5.

**Divided Report**

Majority Report of the Committee on Election Laws reporting "Ought to Pass" on Bill "An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine" (H. P. 1128) (L. D. 1404)

Report was signed by the following members:

Messrs. CORSON of Somerset  
O'LEARY of Oxford  
BERRY of Cumberland  
— of the Senate.

Messrs. KENNEDY of Gray  
MACKEL of Wells  
BIRT of East Millinocket  
BUSTIN of Augusta  
TALBOT of Portland

Mrs. BOUDREAU of Portland  
Mrs. DURGIN of Kittery

— of the House.

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

Report was signed by the following members:

Messrs. CALL of Lewiston  
SHUTE of Stockton Springs  
— of the House.

Reports were read.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I move we accept the Majority "Ought to pass" Report and I would like to speak to my motion.

The SPEAKER pro tem: The gentlewoman from Portland, Mrs. Boudreau, moves that the House accept the Majority "ought to pass" Report.

The gentlewoman may proceed.

On motion of Mrs. Boudreau of Portland, the Majority "Ought to pass" Report was accepted.

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

Mr. CALL: Madam Speaker, I move this lie on the table for two legislative days.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Call, moves that this matter be tabled for two legislative days pending first reading of the bill. Is this the pleasure of the House?

(Cries of No)

The SPEAKER pro tem: The Chair hears objection. All those in favor of this matter being tabled pending first reading of the bill and specially assigned for Monday, May 5 will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

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

Mr. CALL: Madam Speaker, I move that this item be indefinitely postponed.

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

Mr. NORRIS: Madam Speaker, a parliamentary inquiry. If I understood correctly, the majority "ought to pass" report was accepted under the hammer, so the only motion now would be the first reading of the bill or reconsideration.

The SPEAKER pro tem: The Chair would rule that the motion to indefinitely postpone is in order.

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

Mr. MCKERNAN: Madam Speaker, ladies and Gentlemen of the House: As I understand this bill, this would provide that everyone would file their petition on the same day, which I assume would be April 1. In other words, Independents would be required not only to not be a member of

a particular party three months beforehand if the other bill passed, but they would have to be gathering their signatures before they knew who the candidates in the major parties were going to be.

I can't believe that we, except for the good gentleman from Lewiston, Mr. Call, as members of political parties, are going to sit here and try to find out how we can exclude independents the best way from presenting an alternative to the people of the state. If we can't nominate good enough people to get elected, then maybe there is something wrong with the parties and there ought to be an alternative. I fail to see why we changed the laws that we did about three or four years ago to say that petitions had to be filed the day of the primary. The reasoning for that is so that defeated candidates who had made their choice to run in the primary and then lost couldn't go and gather signatures and run again in November as an Independent. That makes sense to me, but it doesn't make sense to me to say that we are now going to require them to file with the candidates of the major parties without even knowing whether they are going to have a choice that they would just as soon abide by in the general election.

What we are doing here if we pass this piece of legislation is saying that you are going to have to start gathering signatures as an independent for an office before you even have any idea who the candidates are that are even trying to be nominated by the major political parties.

At least under our present system, an Independent can get an idea of who is probably going to win the primary and have a better idea whether the candidates in the two parties are people that he or she could live with. Under this system, you have to start gathering the signatures on the petitions before you even know who are going to be running in the primaries from the two parties. For us as elected Representatives representing the parties in this state, to say that we are going to do everything that we can to exclude alternatives to our candidates I think does not serve us, especially after we have seen that the people of the state are not necessarily happy with the candidates that are being put up by the two parties. I say that as one whose party has just suffered a pretty major defeat in November, but I still want to make sure that there is an alternative, because if we can't put out better candidates, we don't deserve to win and the Democrats should feel that same way, and we ought to try to make sure that the best people are running.

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

Mr. JENSEN: Madam Speaker, Ladies and Gentlemen of the House: In response to my good friend from Bangor, I think what you are basically talking about when you are talking about this bill is when people are going to have to file. If you had the laws set up such that people could file two weeks before the election, I assure you 5,000 people would be on the ballot. If you had a three week or a month, you would have that many fewer. If you had it two years before the election, you would have even fewer. I think you have got to decide at what point people have got to make up their minds whether or not they are going to run.

For people to run as Independents or as a third party or whatever, only after it is seen who is running in the two major

parties, it seems to me a very negative reason for running. I would like to see people running for office and running our government for positive reasons, to accomplish something, not to stop someone else.

Ladies and Gentlemen of the House, I would urge you to oppose this motion.

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

Mr. BIRT: Madam Speaker, Ladies and Gentlemen of the House: I was trying to think of a little parallel that might develop to try to at least explain part of the objection that the gentleman from Bangor, Mr. McKernan, had to this. It seems almost to me it is like starting a horse race and if you look out and see one of the horses is running lame or something like that, well, then you would turn around and decide to get into it, but if you think there is a good horse and he is going real good, why, then you would decide to stay out of it.

I originally sponsored the bill, the law that is presently on the books, and I would like to give you just the history of it. It is rather interesting what I got into. Prior to about four years ago, the law on the books said that a person who was unenrolled in either party and wanted to file as a so-called Independent, could file up to, I believe, the 15th of August. I didn't feel that this was fair because it gave him a big advantage. In fact, the major reason was that I found that quite frequently, in every election there was one or two people who got defeated in the primaries and refiled as an Independent, and usually they ended up as being nothing but a spoiler. So, I put this bill in and I put it in exactly as it is right here, that they had to file as everybody else. The bill got through the Legislature and got onto the Governor's desk, and because of the objection of one person who went to the Governor and prevailed on him to try to do something about it, I was asked to recall it and see if I couldn't straighten it out. I recalled it and we did finally, with the Secretary of State, decided that we would put it to the closing of the polls on election day, which would be the last instant. This was because of the write-in candidate situation. It was not because of the discrimination against the Independent as such, that he felt that the write-in candidate had an advantage over the person who was filing as an Independent.

The ironic thing about the whole bill was, after it got through the legislature a second time and ended up on the Governor's desk, for some reason he didn't like it and it became law without his signature, so I went through the process twice and still didn't get a signature on the bill. That is all beside the point.

I think that if we are going to have an election process, I think all candidates should file their papers at the same time. I fail to see whereby the person who wants to run as an Independent can sit back and take a look at the entire field and then decide to file afterwards. I think the rules of the game should be the same for everybody.

I don't think this is a bad bill, I think it is a good bill, and I hope you will defeat the indefinite postponement motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Madam Speaker, Ladies and Gentlemen of the House: I think Mr. Birt is absolutely right on in his

arguments. Now, the gentleman from Bangor, Mr. McKernan, needs to do a little bit more research. If he thinks the purpose of Independents filing is to provide an alternative to the poor selections made by the party, he, himself, indicated that the Independents have to file on primary day; hence, the noble reason of offering the alternative is not there because they don't even know who the party has nominated at that point. That is not the reason that Independents run as Independents as opposed to running in primaries.

What is the advantage to running on a party ballot? The big box has been eliminated; the office ballot has been instituted. What you have on that ballot is a small d-e-m or a small r-e-p away from the box where somebody really has to look to find it. What are the advantages of running as an Independent? No primary. If you are running for major office, no major expenses connected with a primary, a tremendous advantage.

I hope you would reject the indefinite postponement motion.

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

Mr. ROLDE: Madam Speaker, Ladies and Gentlemen of the House: I am a bit confused in the way some of the arguments have been going today. The first bill that we had was opposed by the gentleman from Bangor on the grounds that it discriminated against Independents. This third bill, his opposition seems to want to insure a particular advantage that Independents might have.

I had my secretary call down to find exactly what the filing time was for Independent candidates, and she reported that the Secretary of State had said it is nine o'clock on election day. So if the argument holds any water that an Independent should be given this added advantage so he could tell who the party nominee is, he might have about an hour between the closing of the polls at eight o'clock and nine o'clock on primary day, but that is about all. So, I would hope that we would make this filing date uniform for all candidates, because I believe that would be the fair way to deal with this situation.

I was also struck by a remark that the gentleman from Bridgewater, Mr. Finemore, made earlier in reference to one of these other bills where he said, "let's stay the way we have been for a hundred years." For much of Maine's history, the original founding fathers of Maine, were concerned with this problem of third candidates, so that in a gubernatorial election, they provided that if the candidate did not receive a majority, the election would then go to the legislature.

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

Mr. CALL: Madam Speaker, Ladies and Gentlemen of the House: This bill definitely relates to my political position and the position I took in the last election, to say nothing of the position of the gentleman on the second floor in the oval office, who has stated he does not plan to serve more than four years. If this bill is aimed at trying to defeat him, I would call it a case of trying to beat a dead horse, if, as he has stated, he wants just four years, and I am inclined to believe him.

I did not look over any field of horses. When I lost out in the Democratic primary of 1972, I decided right then and there to

seek election in the general election of 1974 as an unenrolled voter; to wit, an Independent.

These bills, including the one waiting in the wings, which would force an Independent candidate to file an unreasonable amount of nomination papers is plain downright prejudice. I feel that a person, no matter who he is, who wins an election when he is not supposed to win, should be respected and not resented.

This is a bad bill. I beseech the members of this House to defeat it.

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

Mr. KAUFFMAN: Madam Speaker, Ladies and Gentlemen of the House: I request a roll call and urge you to vote against indefinite postponement.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of its members present and voting. If you are in favor of a roll call, you 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 question before the House is on the motion of the gentleman from Lewiston, Mr. Call, that this Bill and all its accompanying papers be indefinitely postponed. All in favor of this motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bagley, Berry, G. W.; Bowie, Call, Connolly, Dam, DeVane, Finemore, Garsoe, Gould, Gray, Hall, Hewes, Hinds, Joyce, Laffin, Leonard, Lewis, Lizotte, McKernan, Mills, Peakes, Perkins, S.; Peterson, P.; Pierce, Rollins, Shute, Snowe, Spencer, Sprowl, Torrey, Tozier, Winship.

NAY — Albert, Ault, Bachrach, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carey, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, Doak, Drigotas, Dudley, Durgin, Farley, Faucher, Fenlason, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hennessey, Hughes, Immonen, Ingegeri, Jackson, Jacques, Jalbert, Jensen, Kany, Kauffman, Kelleher, Kennedy, LaPointe, Laverty, LeBlanc, Lewin, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahon, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Norris, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Silverman, Smith, Stubbs, Susi, Talbot, Teague, Theriault, Tierney, Truman, Twitchell, Usher, Wagner, Walker, Wilfong.

ABSENT — Bennett, Carpenter, Dow, Dyer, Farnham, Gauthier, Higgins, Hobbins, Hunter, Hutchings, Kelley, Littlefield, Najarian, Palmer, Perkins, T.; Snow, Strout, Tarr, Tyndale, Webber.

Yes, 33; No, 96; Absent, 20.

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

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

#### Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to Pass" on Bill "An Act to Permit Payment of Fines By Offers in Compromise from Beer and Wine Wholesale Licensees and Holders of Certificates of Approval in Lieu of Suspension" (H. P. 1072) (L. D. 1352)

Report was signed by the following members:

Messrs. CARBONNEAU of Androscoggin  
DANTON of York  
GRAFFAM of Cumberland  
— of the Senate.

Messrs. JACQUES of Lewiston  
FAUCHER of Solon  
DYER of South Portland  
IMMONEN of West Paris  
PERKINS of Blue Hill

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

Report was signed by the following members:

Messrs. LIZOTTE of Biddeford  
TWITCHELL of Norway  
MAXWELL of Jay  
RAYMOND of Lewiston  
PIERCE of Waterville

— of the House

Reports were read.

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

#### Consent Calendar

##### First Day

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

Bill "An Act Extending Eagle Lake Water and Sewer District to the Plantation of Wallagrass" — Committee on Public Utilities reporting "Ought to Pass" (H. P. 1153) (L. D. 1447)

Bill "An Act to Extend the Territory Limits of the Hallowell Water District" — Committee on Public Utilities reporting "Ought to Pass" (H. P. 1311) (L. D. 1589)

Bill "An Act Authorizing the Use of Facsimile Signature on Certain Documents by the Secretary of State" — Committee on State Government reporting "Ought to Pass" (L. D. 1570) (L. D. 1570)

Bill "An Act Creating the Advisory Committee on State Telecommunications" — Committee on State Government reporting "Ought to Pass" (H. P. 1443) (L. D. 1744)

Bill "An Act to Correct Technical Errors in Laws Relating to Marine Resources" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-229) (H. P. 1338) (L. D. 1624)

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

#### Consent Calendar

##### Second Day

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

Bill "An Act to Provide for a Deputy Chief Judge of the District Court" (Emergency) (S. P. 410) (L. D. 1309)

Bill "An Act to Amend the Site Location of Development Statute" (C. "A" H-225) (H. D. 619) (L. D. 765)

No objections having been noted at the



end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence and the House Paper was passed to be engrossed and sent up for concurrence.

#### Passed to Be Engrossed

Bill "An Act to Provide for a Licensed Practical Nurse on the State Board of Nursing" (S. P. 504) (L. D. 1860)

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

#### Second Reader Amended

Bill "An Act Relating to Minimum Finance Charges under the Maine Consumer Credit Code" (S. P. 219) (L. D. 718)

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

Mr. Tierney of Durham offered House Amendment "A" to L.D. 718, (H-233) and moved its adoption.

House Amendment "A" (H-233) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence. (Later Reconsidered)

#### Second Reader Tabled and Assigned

Bill "An Act to Prevent Hunting in areas Near Dumps in Unorganized Territories and Plantations of the State" (S. P. 205) (L. D. 695) (S. "A" S-102)

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

(On motion of Mr. Finemore of Bridgewater, tabled pending passage to be engrossed and specially assigned for Monday, May 5.)

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

Mr. DeVANE: Madam Speaker, I would ask the Chair that the House reconsider its action whereby it accepted House Amendment "A" to Senate Paper 219, L.D. 718, Bill "An Act Relating to Minimum Finance Charges under the Maine Consumer Credit Code."

The SPEAKER pro tem: The Chair understands that the gentleman from Ellsworth, Mr. DeVane, moves that the House reconsider its action whereby the Bill was passed to be engrossed. Is this the pleasure of the House? The Chair hears objection. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

Mr. Carey of Waterville moved that the House reconsider its action whereby House Amendment "A" was adopted.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the House reconsider its action whereby House Amendment "A" was adopted. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

89 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Madam Speaker, Ladies and Gentlemen of the House: If it is in order I would like to ask the Clerk to read the Committee Report of L.D. 718 before any amendment that was offered.

Thereupon, the Report was read by the Clerk.

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

Mr. PERKINS: Madam Speaker, Ladies and Gentlemen of the House: I am not sure, I just looked at this as we got the amendment and I am rather confused about the bill in its entirety. With the amendment on it, I am even a little more confused. The bill speaks in terms of a minimum charge of not more than. That seems to be a play on words I don't quite understand. When we talk in terms of minimum charges, that is a set sum, I think. Perhaps somebody could explain this bill a little more in detail so that I would understand just exactly what a minimum charge of not more than meant. It doesn't make sense.

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

Mr. TIERNEY: Madam Speaker, Ladies and Gentlemen of the House: Just for the record, I would like to make clear that I did support the motions of the gentleman from Ellsworth, Mr. DeVane, when he asked to reconsider this amendment, because I felt that if he felt the issue should be discussed, I certainly didn't want to run something under the hammer without giving everybody a chance.

L.D. 718 was a bill which was proposed by two large commercial banks in the state to amend our uniform commercial code. The purpose for which they presented this particular bill was to increase the minimum finance charges which were allowed when a person goes in and gets a loan. They seem to feel that it cost them more gearing up the computers than they could make if someone had the audacity to prepay one of these loans. So they felt that because they were running at a loss they didn't want to grant these loans anymore. I was caught a little bit by surprise, and Depositors Trust Company came in and spoke at our Executive Session to doubly make their point about what a hard time they were having, as did the Merrill Trust Company, both banks of which have reported very sizeable earning income since the uniform commercial code has been in effect, their first quarter earnings were up.

To get to the question of my good friend from South Portland, when the uniform credit code was passed last year, part of the compromises which went on had to do with interest rates. One of the major compromises was that we would allow 30 percent interest rates on a loan of \$300 or less — 30 percent. Now, the only reason I would go along with that type of compromise was that at least the banks involved said all right, if you give us the 30 percent, we will at least get rid of the darn minimum finance charges if someone pays up early. So that was the bargain that was struck and the bill went through and now in comes the bank and says they don't want to live by the bargain anymore. They want to be able to charge you \$25 on a loan for a \$250 TV set which you buy and which you want to prepay, they want to charge you a

minimum finance charge of \$25. It is just not right.

The uniform code itself has been enacted in eight different states and in each of those eight states, no finance charge is allowed over \$7.50, but here in Maine, they want to extend that not \$7.50 not \$15, they want a full \$25 to guarantee themselves that they are not going to lose either way. Either they are going to have an interest rate of 18 per cent for the commercial banks or 30 percent if it is allowed under law or, on the other hand, they want to be able to take the \$25. It seems they want no-risk situation.

All the other states that have enacted the code have rejected this type of thing and if all the banks in the other states which have enacted the code do seem to be living with it all right, why should we turn around and pick the pocket of the people who have to go in and get a loan when they buy something which costs maybe \$250 or \$300. I don't see any reason for the whole bill. Instead of moving indefinite postponement which would have left our code the same way the codes are in all the other states, I decided on a compromise position, which would just lower the amount from \$25 to \$15. I hope you accept the amendment.

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

Mr. MORTON: Madam Speaker, Ladies and Gentlemen of the House: I wasn't aware of what this bill was about until I got here and started studying it a little bit, and I am not sure exactly what Title 9-A 2-201 refers to but I think I know. I haven't had a chance to look it up yet, but the gentleman from Portland doesn't realize — the way I see it — what the thrust of this bill is.

This bill addresses the initial cost of acquiring this loan by a lending institution. It really has nothing to do with the final interest charge paid on the bill. It just costs X-number of dollars to sit down and process a loan. And why the banks have said they wouldn't handle loans under \$500 or some other was because they just couldn't afford to have their people involved in that small amount of lending with the interest involved without some kind of an acquisition charge and that is what this particular bill addresses itself to.

Frankly, it doesn't cost a bit less to acquire a loan for \$75 than it does for one for \$250 or \$500. So a graduated scale really doesn't address the problem properly. I certainly would feel as though we should talk in terms of at least the \$25 acquisition charge on any of these small loans, regardless of how long they may be. I would oppose the motion for this amendment. I think this amendment goes in the wrong direction.

On motion of Mr. Finemore of Bridgewater, tabled pending the adoption of House Amendment "A" and specially assigned for Monday, May 5.

#### Passed to Be Enacted Emergency Measure

An Act to Extend Date for Closing of Open Burning Dumps (H. P. 1464) (L. D. 1502)

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

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

Mr. HEWES: Madam Speaker, Ladies and Gentlemen of the House: Unfortunately, our town does have an open burning dump. I see the date July 1, 1975,



here, which is two months from today. Could someone explain to me whether or not communities of the population of less than 10,000 people are affected by this at all?

The SPEAKER pro tem: The gentleman from Cape Elizabeth, Mr. Hewes, poses a question through the Chair to any member of the House who cares to answer.

The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Madam Speaker, Ladies and Gentlemen of the House: I am a member of the Natural Resources Committee and we reported that bill out. This July 1 is when the federal limit is reached. We have to comply with this before July 1. What the Natural Resources Committee decided to do, we have to comply with that date, and we have requested that the federal contract that we negotiated with the Department of Environmental Protection negotiated with them, be renegotiated upward from 500 to 1000 people, and that the federal air standards are going to require us to do this. I am not explaining this very well, I kind of got caught off guard.

By September, you will have had to applied for a variance, and if the variance is not granted, you will have up to two years and three months to comply with the law and to work with DEP and other people toward the compliance of that law. It gives everybody, every town and city, two years and three months at a minimum. I hope I explained it.

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

Mr. MILLS: Madam Speaker, Ladies and Gentlemen of the House: I would pose a question to any member of the committee who would answer. It is my understanding on this bill that this bill was drafted to comply with federal regulations as they exist now. Is this true?

The SPEAKER pro tem: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to any member who cares to answer.

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

Mr. PETERSON: Madam Speaker, Men and Women of the House: This bill has been one of those bills that was worked on hard and long by the members of the Natural Resources Committee. Under the present law, without this bill, we would have to comply with federal requirements that the state adopted in the past by July 1, 1975, which is this July. There is some question in my mind whether or not the federal people would prosecute us if we were to violate that July 1, 1975 — what I mean is, given a blanket three-year suspension of being an open burning dump.

What we did was to allow a number of communities — the DEP drew up a theoretical model which would comply with the air emission standards of the federal government. This model did not take in all the variables that might be present in your community. What they did is say that communities of 500 or more would most probably violate the air quality standards set up in this model, this theoretical model.

Through questioning, I was able to ascertain that if we plugged in the variables for particular communities, other communities might be able to qualify for a variance, and the reason we are trying to get variances for communities is that if they have to comply with the July 1 deadline, it will be

extremely costly, extremely costly, and the small towns cannot bear up under that burden. In essence, what we have done is we have bought time for small communities and larger communities who can also apply for variances, but the committee has put the burden of proof, has switched it from the municipalities to the department saying that you must show we are violating health standards. I have had some criticism from some environmentalist who say, no, the burden should be on the municipality.

As I said the other day, if we were to do this as a state program as they have in other states, the price tag on this bill alone would \$50 — some-odd million, but what we have done by sleight of hand is say, you the individual communities come up with these monies to pay for sanitary landfill operations and other solid waste management disposal proposals.

We in the committee feel that this is kind of an unfair burden with burdens of education and seemingly greater return, and more burdens placed on the property tax, that this is kind of an unfair and inequitable situation for primarily smaller communities and what we do with this bill is we keep the goal in mind of a ban on open burning dumps but we give them more time to comply with the schedule and we also — this is still in the state of development. Massachusetts all went to sanitary landfill; now they are finding that there might be other alternatives which are less costly. Why lock our communities into an unreasonably expensive alternative when maybe some more improvements will come along and it is really difficult for a lot of us to see the harm done by open burning dumps in some of our small communities in more sparsely populated areas of the state. It is just hard to believe that there is a hazard to health, and so what we did is place the burden on the Department of Environmental Protection to do on-site investigation and to prove that there were violations and there were hazards to health presented. So this does buy more time, but yet it does keep the goal of the ban on open-burning dumps in front of us so that towns won't just say, "Wow, we have got that burden over with for another two years."

If you deny the variance under this program, the DEP can still set up a compliance schedule which might indicate that you might only burn during good weather or that you might only burn during one day out of every three weeks. So I think it is a well thought out bipartisan effort. It is a unanimous committee report. We worked on it many hours in committee, and I hope that you can enact this as an emergency measure.

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

Mr. DOAK: Madam Speaker and Members of the House: On page 2 of this bill that is under discussion at the moment, under D would be perhaps the best answer to give to Mr. Hewes of Cape Elizabeth, and I will read it in part. "The open burning of solid waste materials at the solid waste disposal site serving 1,000 or more persons is prohibited after September 1, 1975." Not July 1, 1975. In the wisdom of the committee, we felt that they should have, where we are a little bit late in getting this out, they should have three months extra to apply for that variance which we have been talking about.

The bill also states further down on that same page that a community, a

municipality, that does apply for that variance, while that variance is under consideration by the DEP, they shall be allowed to continue using that particular site, and if the DEP does deny a variance in this particular instance, it says also in there that the DEP must show that they are in violation. Also, it says that they shall have not less than two years to comply. So actually what we are doing is two years and three months extension on this July 1, 1975 deadline.

The SPEAKER pro tem: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All 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. 127 having voted in the affirmative and 4 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act to Amend the Employment Security Law as to Separation Reports (S. P. 241) (L. D. 793)

An Act Establishing an Annual Sentencing Institute for the Maine Criminal Courts (S. P. 320) (L. D. 1097)

An Act to Repeal Certain Unconstitutional Provisions of the Election Laws (H. P. 248) (L. D. 300)

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

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

#### Enactor Tabled and Assigned

An Act Making A Supplemental Appropriation for the Supplemental Security Income Programs for the Purpose of Increasing the Base Rate for Boarding Home Care (H. P. 477) (L. D. 597)

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

(On motion of Mr. Leonard of Woolwich, tabled pending passage to be enacted and tomorrow assigned.)

An Act to Specify the Future Use of Certain Lands in the City of Portland (H. P. 768) (L. D. 939)

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

An Act Creating Kennebec County Commissioner Districts (H. P. 929) (L. D. 1174)

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

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

Mr. AULT: Madam Speaker, Ladies and gentlemen of the House: I am opposed to enactment of this item 8, because I believe if we set up county commissioner districts in Kennebec County, and I am a Representative from Kennebec County, those commissioners who are elected from those districts will tend to be accountable only to their districts and not accountable

to the county as a whole and to work to the good of the county as a whole.

The three present county commissioners in Kennebec County, two Democrats and one Republican, voted at their meeting some three weeks ago to oppose this bill, and they are opposed to its passage. So I move its indefinite postponement.

The SPEAKER pro tem: The gentleman from Wayne, Mr. Ault, moves the indefinite postponement of this Bill and all accompanying papers.

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

Mr. DAM: Madam Speaker, Ladies and Gentlemen of the House: When the Committee on Local and County Government heard this bill, not one county commissioner from Kennebec County appeared either for the bill or against it. They had no interest in it whatever, but the next day, and I said this before when I blasted the K.J., they saw fit, the writer did, to put a lie in the paper saying a commissioner had appeared.

We have two other bills before our committee which will deal with two other counties, and I can't stand here and tell you exactly whether all the counties will be under commissioner districts by then or not, but it is my belief that we will be very close, maybe with the exception of one county, if that, to having all counties in county commissioner districts.

Now, this is a unanimous committee report, and if the county commissioners did not have any interest in the bill at the time it had the hearing, then I don't see why they should have any interest in that bill now when they didn't see fit to even come and testify one way or the other.

And personally, I think districts are good; the committee thinks they are good, and evidently this House thinks they are good when we voted to enact the single member districts in the cities. I think the people get better representation. It does allow for the commissioner to reside in the districts and to be voted on by the voters of his district. It does take away one city, or one large town in a county having all those commissioners come from that one section. It gives equal representation. It gives a cross-section of the population of the county, and for that reason I would hope that you would oppose the motion for indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Madam Speaker, Ladies and Gentlemen of the House: I would be remiss in my duties if I didn't stand and say a few words on this issue, as this is my bill, as most of you well know.

I fail to see the reasoning of the good gentleman from Wayne, or his rationale behind the statement saying that the districts will be counter productive in that they will be more desirous of representing their own bailiwick instead of representing the entire county. I think if that is the case, then I think that all of us who voted for single member districts in the House were all remiss in our duties. I think this type of government brings the representation much closer to the people and the responsibility on whoever is elected can be made more accountable. I would certainly hope that you would oppose the motion to indefinitely postpone, and I would ask for a division.

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

Mr. STUBBS: Madam Speaker and Members of the House: I would like to point out that I have received a letter, which I do not have before me at the time, but it was signed by the county commissioners who are a bipartisan group, two are Democrats and one is a Republican, and they unanimously went on record as opposing this bill. As to why they were not at the hearing, I could not say. However, they mention in effect the reasons that the gentleman from Wayne mentioned, the same reasons as to why they were opposed to this bill.

We have not discussed this in our own legislative delegation. I think this is something that should be brought up before our county legislative delegation, because I know that some of the members have not really given this issue much thought. Therefore, I would like to move that this matter be tabled for two legislative days.

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

Mr. JALBERT: Madam Speaker and Members of the House: The gentleman debated and then attempted to table, but just for the sake of setting something on the record, I will move that we table this item for two legislative days.

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

Mr. DAM: Mr. Speaker, having passed item 8 to be enacted, An Act Creating Kennebec County Commissioner Districts, House Paper 929, L. D. 1174, I move we reconsider our vote and hope you will all vote against me.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, moves that the House reconsider its action whereby L. D. 1174 was passed to be enacted. All in favor of that motion will say aye; those opposed will say no.

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

#### Orders Out of Order

Mr. Hinds of South Portland presented the following Joint Order and moved its passage (H. P. 1563)

WHEREAS, the Legislature annually recognizes and honors former Members by "Welcome Back" ceremonies; and

WHEREAS, the Culinary Arts Department of the Southern Maine Vocational-Technical Institute has, for many years, greatly assisted this effort by serving a buffet luncheon in the Hall of Flats; and

WHEREAS, one of the fondest recollections of each Welcome Back Day is the pleasure of meeting old comrades while having such a delicious meal; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the One Hundred and Seventh Legislature in regular session assembled, extend a special note of thanks to the students and staff of the Southern Maine Vocational-Technical Institute Culinary Arts Department and compliment their obvious achievements in the gastronomic realm; and be it further

ORDERED, that a copy of this Order, duly attested by the Speaker of the House and President of the Senate, be transmitted by the Speaker of the House to the students and staff of the Southern Maine Vocational-Technical Institute Culinary Arts Department, in recognition of their outstanding work.

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

#### (Off Record Remarks)

Mr. Wagner of Orono presented the following Joint Order and moved its passage: (H. P. 1562)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

Mrs. Nellie M. Skinner,  
Descendant of Daniel Skinner

One of the first settlers of the town of Corinth on the 87th Anniversary of her birth

WE the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgment be extended; and further

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I think it appropriate that we take note of the traditional occasion, May Day, by recognizing the contributions of a fine lady whose birthday coincides with this ancient holiday. One slight correction to the order as printed, Mrs. Skinner is a descendant of Daniel Skinner by virtue of her marriage to his great grandson, Bud Skinner, that is reaction by affinity rather than consanguinity.

Mrs. Skinner is one of the oldest living graduates of Castine Normal School. She resides today on the Skinner farm in Corinth, the same cut from the piney forest in 1793 by Daniel Skinner. She has lived there since her arrival as an 18-year-old bride in 1906, and is a living link between Skinner family life to pioneer times through stories related to her by Daniel Skinner's grandson early in this century.

Her long lifetime has been one of devotion to family, church and community. Since she was widowed some 25 years ago, she has supported herself by raising and selling dahlia bulbs. She lives simply and proudly, continuing her warmth and lively curiosity well into her ninth decade.

Nellie Skinner preserves old fashioned values of thrift and self reliance and has no place in her value system for such contemporary conveniences as credit, town assistance and food stamps. She is a shining vestige of another era, and an anchor of belief in a time of uncertainty. She reflects the dignity of the unnoticed majority of Maine working people. I am proud to have known her and feel that if we in this House keep the Nellie Skinners of Maine in mind in our deliberations, the state will be well served.

Thank you, and may you find a May basket on your doorsteps.

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

#### Orders of the Day

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

Bill "An Act Concerning Listing of Tax

Exempt Real Property for Town Reports" (S. P. 496) (L. D. 1843)

Tabled — April 29 by Mr. Birt of East Millinocket.

Pending — Passage to be Engrossed.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: You might want to take a look at L. D. 1843. I think, to me at least, it falls into another one of the many bills that are constantly creating problems to local communities, particularly the small towns. If I understand this bill right, it requires that the tax assessor shall list in either the town report or a local newspaper all tax exempt property within the community, with the exception of churches and cemeteries. Now, this could include a great deal of property in some areas, in the town of Limestone, for instance, it would include the Limestone Air Base, Loring Air Base, what its value is and how much the taxes would be on it if it was assessed.

I think at the present time we have some pretty good laws on the books compared to what they do in some other states in the country. For instance, charitable institutions, there have been comments at various times about Yankee Stadium not being subject to property tax because it is owned by a non-profit charitable institution. In the State of Maine, I don't think that is possible. Our laws relative to charitable institutions require that any part of it that is used that earns a profit or used to develop income will be subject to a property tax. Take a building that is owned by any fraternal organization or a farm organization such as the grange or veterans organization, if the upstairs of that is used for meetings and the downstairs is rented out, then that portion of the building which is rented out is subject to real estate taxes. As far as things like a parsonage, rectories and buildings of this type that are used to provide residence for the clergymen who serve the churches, if the assessed value of that is in excess of \$20,000, that part that is in excess of \$20,000 is subject to real estate taxes.

I think we have fairly good laws on the books right now in this regard but this, I think, would create a lot of work, a lot of problems to local assessors. I won't know how you would determine what the value of this particular building right now would be and how much would be subject to taxes if it were taxed. I don't think this is the type of legislation we would want to pass at this time and I would move its indefinite postponement.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: What I am going to say in the next breath is — I don't want you to fall out of your chair because I have kind of rapped Maine Municipal in the past, but now I have to say that I am supporting a bill that Maine Municipal has a lot of interest in. I, too, have a lot of interest in this bill and it was the committee's opinion of Local and County Government that this was a good bill and it came out with unanimous "ought to pass" report.

As far as creating problems for the various communities throughout this state, the Maine Municipal Association conducted a poll and it was overwhelmingly in favor of a bill of this type from the small municipalities.

I think the small municipalities have begun to really see the light as to what tax

exemptions are doing to erode the local tax base. It is very easy to sit here in Augusta as members of the legislature and to keep granting tax exemptions to every organization or every piece of property that is owned by an organization that comes down the pike. It is quite easy to become tax exempt or be classed as literary, charitable, fraternal, scientific, educational, the laws are quite liberal. Every time an exemption is granted, we move that tax over to the taxpaying public.

Maine Municipal, as I said, did conduct a survey on this and it is the feelings of the towns that this would be good legislation. It would not create them any problem because they still have this as a matter of record right now on their books. For any town that might have been lax and not have this, it would not take much to correct it. It would bring out to the taxpayers of the various municipalities in this state just how much tax exempt property there is.

Sooner or later we have got to face up to the tax laws and are we going to continually erode the tax base or are we going to stop and go back and so something for the towns.

This is a good bill and I would hate to see it indefinitely postponed. It had a good hearing and it is a unanimous committee report, and I do not intend to debate it again.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentleman from Skowhegan. This is just a furtherance of the right-to-know type of legislation that we are attempting to go ahead with in this legislature and all over the country. The people are not aware of the tremendous amount of exempted property in the various communities.

It may well be that the day is coming when some of these exemptions are going to have to be pretty carefully looked at, here in Augusta and this is certainly nothing but a first step. I urge you to support the legislation and do not vote in favor of indefinite postponement.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I don't really mean to get into this. I am going to bring a bill before the House that is before the Taxation Committee now that will allow municipalities to charge a service charge on tax exempt properties. As I understand it now, something like 79 percent of the property in Limestone is exempt from taxes. I think this is a good bill, I think it is one that our communities will let us know what kind of properties within the community are tax exempt and what kind of properties the other taxpayers in that community are paying for.

As I understand it now, the tax assessor for the particular community has the outright say of what tax property is tax exempt by leaving them off the tax rolls and is only allowed or is only allowed by law to write those tax exempt properties on the books which go to the State Department of Taxation every five years.

I think it is a good bill. I think it is one that we all should have and one we should support.

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

Mr. BURNS: Mr. Speaker and Members of the House: A question through the Chair to anyone who may answer. Is this

permissive legislation or can they already publish this list now?

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

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This is already done in several communities. My home town has published this exempt property, grange hall, churches and fraternal organizations for several years. As a matter of fact, I have Great Brook National Fish Hatchery that is listed close to a million dollars. If we had the tax on that we would be quite fortunate, but the taxpayers in the town can request a selectman with signatures of 25 people, I believe it is in most towns, to put this in the town report now. This leading up to trying to eliminate all tax exempt property, just as the man stated, sponsored by Maine Municipal Association.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support indefinite postponement of this bill. I would like to tell you why. We have a shipyard owned by the United States Government in the town of Kittery. It is probably valued, without their buildings, equipment, probably in the vicinity of \$250 million. On top of that, there are millions of dollars worth of computer equipment which is rented and is not taxable. There are hundreds of vending machines and several others pieces of equipment on that shipyard. If our local assessor had to find out the value of that equipment, I think he would be spending at least six months.

I happened to be an assessor for the town of Kittery for several years and I attempted this one time for my own benefit. I ran right up against a stone wall from the government, from the computer owners and from the vending machine owners. I urge to vote for indefinite postponement.

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

Mr. SPENCER: Mr. Speaker and Members of the House: I would like to pose an inquiry to the sponsor of this legislation. It appears in reading it that it requires the listing of all property owned by municipal units by the state or by the federal government. My question is whether the assessors in towns would have to put a value on all of the roads in that town and whether, for example, the city of Portland would have to figure out the value of real estate involved in the streets in that city?

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that this bill and all accompanying papers be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't like getting up after a roll call has been ordered, but I have to correct one statement that Mr. Churchill of Orland made when he said 25 people could do this on a petition. The law in Title 30 does not read this way. To get something on an article or warrant, it takes 10 percent of those voters voting in the last gubernatorial election to get a petition. In my town it is 266, but it could go to 300 and something to go out and get a petition, and this I would like to correct, so it is a little more than 25 to get it on the books.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that the House indefinitely postpone Bill, "An Act Concerning Listing of Tax Exempt Real Property for Town Reports" Senate Paper 496, L. D. 1843 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bagley, Birt, Burns, Churchill, Conners, Cooney, Cote, Curran, R.; Curtis, Doak, Durgin, Farnham, Fraser, Goodwin, H.; Gould, Greenlaw, Hobbins, Hutchings, Immonen, Jackson, Kauffman, Kelleher, Laffin, Laverty, Littlefield, Mackel, MacLeod, Mahany, Miskavage, Palmer, Pelosi, Perkins, T.; Post, Powell, Spencer, Sprowl, Tarr, Tierney, Tozier, Walker, Webber, Wilfong.

NAY — Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Boudreau, Bowie, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Connolly, Cox, Curran, P.; Dam, Davies, DeVane, Drigotas, Farley, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, K.; Gray, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hughes, Hunter, Ingegneri, Jacques, Jensen, Joyce, Kany, Kennedy, LaPointe, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, MacEachern, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Strout, Stubbs, Susi, Talbot, Teague, Theriault, Torrey, Truman, Usher, Wagner, Winship.

ABSENT — Albert, Blodgett, Dow, Dudley, Dyer, Gauthier, Jalbert, Kelley, Lynch, Morin, Rollins, Twitchell, Tyndale. Yes, 43; No, 93; Absent, 13.

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

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

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

Bill "An Act Concerning the Power of the Lewiston Parking District to Mortgage Certain Properties and Permitting the Taxation of Real Property of the District which is Not Used for Parking" (S. P. 498) (L. D. 1845)

Tabled — April 29 by Mr. Jacques of Lewiston.

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

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

Bill "An Act to Require Further Notice of Free Choice of Insurance" (H. P. 1547) (L. D. 1864)

Tabled — April 29 by Mrs. Clark of Freeport.

Pending — Passage to be engrossed.

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

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

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves the indefinite postponement of L. D. 1864.

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

Mr. HEWES: Mr. Speaker and Members of the House: As I look at this bill, it seems to me it just makes more red tape for a lending institution. As I said the other day, my wife and I passed papers on a home two months ago and we had to sign and read, and we did, or course, truth in lending bills and other documents. It seems to me that this particular bill which requires a lending institution to list all the sales people of insurers within 20 miles of the bank's property, this is imposing too much of a burden on a bank.

I checked the Portland phone directory and I found 14 columns in the Yellow Pages listing insurance agents and sales people for insurance within 20 miles of downtown Portland. You have, of course, Biddeford and, as I said, Freeport, Windham, so you get into the Brunswick and the Biddeford-Saco directory. It just seems to me that the insurance people who are competitive do make their services available to the public and I think this particular bill is unnecessary.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out one thing before the opponents do that my good friend Mr. Hewes said. This bill does not impose a burden on banks. The burden is imposed upon the insurance agencies, and what it would mean is, in a town like mine, every insurance agency within 20 miles would have to go to every single bank and they would have to draw up lists and give them to the people who come in. I think this is one of those bills which, I would agree with Mr. Hewes, sometimes we try to overprotect people; I think it is just unnecessary legislation.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. I don't feel that it is really the most important piece of legislation and actually perhaps my point will be served just by making the speech I am going to make and then I will just let you use your own common sense, and if you want to kill it I am not going to hold it against you.

I would like to explain what the problem is, because I do think it is a real problem, and it is the relationships between banks and insurance agents. When the insurance code was passed a few years ago, Maine consumers were guaranteed a free choice among the different insurance agents. In other words, when you get a mortgage on a house, you can go to any insurance agent you want. The problem has been that since

that time the goal of free choice has simply not occurred.

I have spoken to a great many insurance agencies on this issue and they tell me this is what happens. A local insurance agent is on the board in a local bank, and the local bank, before it grants the loan, through one form or another, funnels that business over to that particular insurance agent. Every insurance agent that I have spoken to at home and in the general area admit that that is true; it is standard procedure. You help me and I will help you; we will all scratch each other's back together.

The only problem here is, if you shop around you can get cheaper insurance, but people are kind of afraid to do so because the insurance deal has to be settled before the loan is granted. I checked with the savings banks on this. They don't have any great opposition to it, so I don't know why my good friend Mr. Hewes is worried about savings banks on a mortgage. I checked with the insurance agent, they don't have any opposition to it, so I don't know what Mr. Pierce's problem is.

The point is there, people should have a free choice, they should shop around and this just means that the person granting the loan would require a list of all the agents in the area. The burden would be on the agents to be on the list and I don't see that it would be any great difficulty.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As I read this bill, and I am up to support the motion for indefinite postponement, this would not only cover banks, which everybody seems to talk about all of a sudden, but it would cover creditors and creditors include small businesses, people who sell refrigerators and require insurance or people who sell boats and require insurance or people who sell automobiles and require insurance. It would require us to maintain this list. Although with all due respect to the committee that redrafted it, I would point out that it says the creditor shall provide the list, the insurers shall provide the list to the creditor and that the superintendent may issue forms to handle this — more and more red tape, more gobbly-goop.

Ladies and gentlemen, this is a law that will require anyone who sells anything that requires insurance to maintain the value of collateral. I certainly am opposed to it. I think it is harassing legislation of small business, and I hope you will support the motion to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Mr. Connolly of Portland 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 Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker, I would



like to pose a question through the Chair to the sponsor of this bill, if I may. Does this bill in any way affect an individual who would go in and attempt to secure a loan for an automobile and the loan provision at your local bank would require you to have a life insurance policy as part of that loan, would you have some options under the provisions of this bill to decide who you get to secure that life insurance with?

The SPEAKER: The gentleman from Portland, Mr. LaPointe, poses a question through the Chair to the gentleman from Durham, Mr. Tierney, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. TIERNEY: Mr. Speaker, I don't think life insurance is the issue. I am not sure that life insurance is ever required when you go in to buy a car, although Mr. Morton has a great deal more experience about banking and selling cars than I do. Maybe he can help us.

But really, the short answer to that would be that the law already says you have a free choice of insurance. The question is, especially when you get into a small community, everything seems to be locked up. One insurance agent told me very proudly that he sold 80 percent of all the insurance in his community — 80 percent, and a few minutes later he mentioned he was on the board of the local bank. I asked him if there was any connection and he got very embarrassed, flustered, and all the insurance agent's friends around him laughed quite loudly at him. You know, it is just one of those things. It happens in every small town in Maine, and if you want to do something about it, you can keep this bill alive.

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

Mr. PALMER: Mr. Speaker and Members of the House: I would make just one comment on the gentleman from Durham, Mr. Tierney's last statement. If I were an insurance agent in a little town and I had 80 percent of the insurance and I was the only one there, I would think I was doing a lousy job.

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

#### ROLL CALL

YEA — Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Bustin, Call, Carey, Carroll, Carter, Churchill, Conners, Cote, Curran, R.; Curtis, Dam, DeVane, Doak, Durgin, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Morton, Nadeau, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Rideout, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Torrey, Tozier, Webber, Winship.

NAY — Bachrach, Blodgett, Boudreau, Byers, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, Farley, Faucher, Flanagan, Gauthier, Goodwin, H.;

Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jensen, Joyce, Kany, Laffin, LaPointe, Martin, R.; Mills, Mitchell, Mulken, Najarian, Peakes, Pelosi, Peterson, T.; Post, Powell, Rolde, Smith, Talbot, Theriault, Tierney, Truman, Wagner, Walker, Wilfong.

ABSENT — Albert, Carpenter, Dow, Drigotas, Dudley, Dyer, Kelley, Lynch, Morin, Rollins, Twitchell, Tyndale, Usher. Yes, 88; No, 48; Absent, 13.

The SPEAKER: Eighty-eight being voted in the affirmative and forty-eight in the negative, with thirteen being absent, the motion does prevail.

Sent up for concurrence.

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

An Act to Amend the Protection and Improvement of Air Statutes. (H. P. 694) (L. D. 881)

Tabled — April 29 by Mr. Hunter of Benton.

Pending — Passage to be enacted.

On motion of Mr. Palmer of Nobleboro, retabled pending passage to be enacted and specially assigned for Monday, May 5.

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

Bill "An Act to Equalize the Retail Price of Alcoholic Beverages throughout the State" (H. P. 403) (L. D. 492)

Tabled — April 29 by Mr. Kelleher of Bangor.

Pending — Passage to be Engrossed.

On motion of Mr. Maxwell of Jay, retabled pending passage to be engrossed and specially assigned for Monday, May 5.

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

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 29 by Mr. Lynch of Livermore Falls.

Pending — Acceptance of Committee Report.

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

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

Bill "An Act Increasing the Number of Associate Justices of the Supreme Judicial Court" (Emergency) (S. P. 147) (L. D. 310)

In House — Failed passage to be engrossed as amended.

In Senate — Insisted on action whereby the Bill was passed to be engrossed in non-concurrence.

Tabled — April 29 by Mr. Rolde of York.

Pending — Motion of Mr. Gauthier of Sanford that the House recede and concur.

Mr. Gauthier of Sanford withdrew his motion to recede and concur.

On motion of the same gentleman, the House voted to insist and ask for a Committee of Conference.

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

Bill "An Act to Establish County Commissioner Districts in Cumberland County" (H. P. 223) (L. D. 279)

Tabled — April 29 by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Dam of Skowhegan that House Amendment "A" (H-197) be indefinitely postponed.

Mr. Higgins of Scarborough withdrew House Amendment "A".

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

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

Bill "An Act to Provide for Supervision of Elections by Municipal Clerks" (H. P. 907) (L. D. 1106) (C. "A" H-191)

Tabled — April 29 by Mr. Dow of West Gardiner.

Pending — Passage to be Engrossed.

On motion of Mr. Shute of Stockton Springs, retabled pending passage to be engrossed and specially assigned for Monday, May 5.

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

Joint Order, Relative to Study of Sales Tax Statute. (H. P. 1543)

Tabled — April 29 by Mr. Finemore of Bridgewater.

Pending — Passage.

On motion of Mr. Finemore of Bridgewater, retabled pending passage and specially assigned for Monday, May 5.

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

Bill, "An Act Establishing Educational Requirements for Licensing of Real Estate Brokers" (H. P. 1548) (L. D. 1865)

Tabled — April 29 by Mr. Jackson of Yarmouth.

Pending — Passage to be engrossed.

Mr. Jackson of Yarmouth offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-220) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker, I noticed that this is a bill dealing with real estate brokers. I looked in my book and saw that the gentleman from Yarmouth, Mr. Jackson, is listed as a real estate person, and I would pose a question through the Chair if any ruling has been sought as to whether or not, in fact, the gentleman might be in conflict and were he in conflict, would he then be not only forced to abstain from voting but also forced to add anything to the bill?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentleman from Yarmouth, Mr. Jackson, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am indeed a real estate broker, but I think if you read the content of this amendment, you will see that in no way will it add to my personal gain. It will also affect all real estate brokers throughout the state. The gist of this amendment is to require more training with existing real estate brokers, that they be more aware of Maine law and the changes in the Maine laws as they now stand. So in essence this is probably going to cost the brokers money. They will have to pay something to take these courses to come up to date per the amendment, so I cannot see how I would have any conflict on this.

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



Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman for his explanation and I would further ask then if this limits the capabilities of real estate brokers by demanding that they have further education, if, in fact, it does not put those people who are already licensed in a more advantageous position?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed another question through the Chair to any member who may answer if they so desire.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: You might say they were in a more advantageous position in that they will know more about the laws they are dealing with and the commodities they are dealing with and, therefore, should be able to sell land better and houses and property better and make a better living.

Mr. Speaker, I would also add to this that it would benefit the consumers of this state because they would not find themselves in the position of having possibly bought real property and then maybe find themselves in court or in a very unfortunate situation when the land they have bought doesn't perk or because of zoning or other reasons they can't build on it.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Chair as to the germaneness of this amendment, since the new draft and the existing bill as presented deals solely with the licensing requirements of new brokers and this amendment deals with the licensing requirement of existing brokers?

The SPEAKER: The Chair thanks the gentleman from Scarborough for the request on the ruling of germaneness. The Chair would rule that the amendment is in fact germane, based on the fact that both the amendment and the bill deals with educational requirements for licensing of brokers.

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

Mr. WAGNER: Mr. Speaker, I would pose a further question to anyone who cares to answer which I think was avoided in Mr. Jackson's answer. Would not the effect of the bill be to limit the number of future people entering this profession of real estate brokerage and therefore could not this have an effect upon the consumer of having a less limited field, less competition in the field, and could this not in effect work to the detriment of the consumer, that is the person buying houses?

The SPEAKER: The gentleman from Orono, Mr. Wagner, has posed a question through the Chair to the gentleman from Yarmouth, Mr. Jackson, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I cannot comment on the thrust of the total bill. I would only comment on my amendment which is under debate at this point, and my amendment only affecting present real estate brokers I don't think would put any burden on the consumer.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair similar to Representative Carey. Is there a point of conflict here where the Representative said it would make a better living for him?

The SPEAKER: The Chair would advise the gentleman from Calais, Mr. Silverman, that the Ethics Rules, which this body in the past have enacted under which we operate specify only that there be a direct financial gain for a person directly affected and if it affects a class of people, then it would not be in conflict.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will just say a word or two. I think the gentleman from Yarmouth, Mr. Jackson, ought to be complimented on his amendment, because if I read the bill correctly, this basically is put in, at least the intent is, to protect the consumer by having future real estate agents better qualified by reason of education than they have been before. Now, if the agent today wants that for the newcomers, I think Mr. Jackson should be complimented for wanting to insist that those who already have these licenses should be up to date on their requirements. I certainly think he should be complimented, not chastised, for his point of view here this morning.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the minority leader for his comments and I would point out that I am not chastising anyone. Had that amendment been put in by anyone else, my only comment would have been whether it is germane or not and I was not that up on the bill as to whether it was germane.

I do, however, respect and feel that Mr. Jackson is a very honorable man and I didn't know that maybe this was one of the points that he might have overlooked and he might have been putting himself in conflict.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: Just a point of inquiry. I would like to know what the status is of House Amendment "A" is to this bill?

The SPEAKER: The Chair would advise the gentlewoman that House Amendment "A" has not yet been introduced.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this bill. I see it strictly as a numbers bill to control the numbers. I would have no objection to a bill of this sort if it required that every six years each pharmacist in the State of Maine be tested, each attorney go back for bar examination after six years, and many other things. I just think that this bill is a real numbers bill.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I support the adoption of House Amendment "B" as introduced by the gentleman from Yarmouth, Mr. Jackson, for it addresses the issue which is before us as representatives of the citizens of this state

and that is, more precisely, that there is a glaring need among those who are selling and dealing in land of our state to be current and up to date in the land use and land planning regulations. This bill would provide for that up-to-dateness.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I have taken the real estate courses but I am not a broker, Mr. Carey, so I hope I can vote.

I would just like to take this opportunity to say that I don't think the present courses that they offer are in any way or form adequate for the complex real estate laws that now exist. I commend Mr. Jackson for introducing the amendment because that certainly will prove to upgrade the existing brokers and, frankly, the reason I took the real estate course is because I had problems with the existing brokers and their lack of knowledge of the laws as they exist right now.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Jackson is doing an admirable job here and I agree with the amendment. I want to be sure everyone understands that. I am going to vote against the amendment, however, because I feel that despite the ruling of the Chair, if this amendment had been placed in the bill originally, there would have been a few more people at that hearing that had existing brokers' licenses. I am quite sure they would have been there.

I know I have had a lot of calls on this bill from brokers, both who wanted to get into the profession and those who were in the profession already, and when I explained to them it was simply for people that wanted to get into the profession to obtain a broker's license, once that was explained to them, they understood, at least the brokers who had licenses already, that they would not be affected by this bill. So, I am going to vote against the amendment, simply because I don't think that those people out there have had a fair chance to express their views on it, even though I do highly agree with the amendment, that these people should go back and take courses to keep up to date on the new laws, but I am going to vote against it for that reason.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Based on those reasons, I would move that this bill be recommitted to the Committee on Business Legislation.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that this bill be recommitted to the Committee on Business Legislation. The Chair will order a division. If you are in favor of recommitment to the Committee on Business Legislation you will vote yes; those opposed will vote no.

A vote of the House was taken. 63 having voted in the affirmative and 35 in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House the twelfth tabled and today assigned matter: Bill "An Act Concerning the Possession of Firearms during the Open Season on

Deer" (H. P. 1549) (L. D. 1866) (H. "A" H-216)

Tabled — April 29 by Mr. Dow of West Gardiner

Pending — Motion of Mr. MacEachern of Lincoln to indefinitely postpone.

On motion of Mr. MacEachern of Lincoln, retabled pending his motion to indefinitely postpone and specially assigned for Monday May 5.

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

An Act Relating to Specially Designed Registration Plates for the Maine National Guard. (H. P. 733) (L. D. 909) In Senate — passed to be engrossed. In House — passed to be enacted.

Tabled — April 29 by Mr. Jackson of Yarmouth.

Pending — Motion by Mr. Jackson of Yarmouth to reconsider enactment.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Having two things so close together as this, I don't think I have had as much praise since I was born on the other one and now I will probably blow it all now.

I hope you will reconsider this. We talked about this the other day. We had a vote for indefinite postponement which went under the gavel. I have some points here I would like to bring out and I hope very much that we will reconsider. I think we are opening a door here and we should at least think twice on it before we pass this to be a bill.

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

Mr. MARTIN: Mr. speaker, Ladies and Gentlemen of the House: Approximately one week ago we debated this bill. There was a motion made to kill it, indefinitely postpone it, and that was defeated by a 12 vote margin.

I would just simply remind you, ladies and gentlemen, that this bill was debated and would urge you to vote against reconsideration. Also, ladies and gentlemen, this bill came out of committee unanimous "ought to pass."

The SPEAKER: The Chair will order a division. If you are in favor of reconsideration, you will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 63 in the negative, the motion did not prevail.

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

Bill "An Act to Validate the Election of Municipal Officials in the City of Hallowell in 1971 and 1973" (Emergency) (H. P. 1310) (L. D. 1592)

Tabled — April 30 by Mr. Stubbs of Hallowell

Pending — Passage to be engrossed.

Mr. Stubbs of Hallowell offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-228) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

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

An Act Concerning the Definition of Child and Student under the Workmen's Compenstaion Statute (S. P. 353) (L. D. 1153)

Tabled — April 30 by Mr. Rolde of York

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

On motion of Mr. Berry of Buxton, the House reconsidered its action whereby An Act Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registration, House Paper 752, L. D. 927, was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption. House Amendment "A" (H-218) was read by the Clerk.

The SPEAKER The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, I can't seem to find the amendment; could the sponsor explain the amendment or someone?

The SPEAKER: The gentleman from Stockton Springs, Mr. Shute, has posed a question to the gentleman from Buxton, Mr. Berry, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BERRY: Mr. Speaker, in reply to the gentleman's question, this amendment very simply changes the figure 3,000 population to 3,500.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended in non-concurrence ans sent up for concurrence.

On motion of Mr. Carey of Waterville, the House reconsidered its action of earlier in the day whereby Bill "An Act Relating to Minimum Finance Charges under the Maine Consumer Credit Code," (S. P. 219) (L. D. 718) was passed to be engrossed.

On motion of Mr. Dam of Skowhegan, tabled pending passage to be engrossed and specially assigned for Monday, May 5.

On motion of Mr. Higgins of Scarborough,

Adjourned until one o'clock tomorrow afternoon.