

# 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**

Tuesday, May 6, 1975

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

Prayer by Elder Robert V. Blackstone of Freeport.

The Journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Communication:

May 5, 1975

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

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Increasing the Number of Associate Justices of the Supreme Judicial Court" (S. P. 147) (L. D. 510)

Senators:

COLLINS of Knox  
CLIFFORD of Androscoggin  
MERRILL of Cumberland

Respectfully,

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Communication:

May 5, 1975

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

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act Relating to Sales Tax Interest and Penalties" (H. P. 1550) (L. D. 1867).

Respectfully,

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Reports of Committees  
Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Authorize Bond Issue in the Amount of \$2,900,000 for the Construction of Facilities for the Maine Public Broadcasting Network" (S. P. 263) (L. D. 862)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Appropriate Additional Funds to Municipalities Operating Public Libraries" (Emergency) (S. P. 382) (L. D. 1233)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide Funds for the Attorney General to Assist District Attorneys in the Prosecution of Criminal Cases" (Emergency) (S. P. 386) (L. D. 1241)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide Reimbursement to Municipalities for Labor Costs of General

Assistance Recipients Employed by the Municipalities" (S. P. 394) (L. D. 1292)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide for Reimbursement of General Assistance Costs for Nonresidents of Municipalities" (S. P. 395) (L. D. 1293)

Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act Relating to the Procedure for Obtaining Absentee Ballots" (S. P. 330) (L. D. 1116)

Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act Prohibiting Candidates and their Immediate Families from Notarizing Absentee Ballots" (S. P. 399) (L. D. 1285)

Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Establishing a Commission on Criminal Data System Policy" (S. P. 448) (L. D. 1559)

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

**Leave to Withdraw**

Committee on Health and Institutional Services reporting Leave to Withdraw on Bill "An Act Relating to the Advertising and Posting of Drug Prices" (S. P. 97) (L. D. 353)

Committee on Local and County Government reporting Leave to Withdraw on Bill "An Act Relating to Payments by the Town of York to York Harbor Village Corporation" (S. P. 457) (L. D. 1561)

Committee on Public Utilities reporting Leave to Withdraw on Bill "An Act Certifying Persons to Evaluate Private Sewage Disposal Systems" (S. P. 392) (L. D. 1282)

Committee on Veterans and Retirement reporting Leave to Withdraw on Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Leonard Sprague of Machias (S. P. 367) (L. D. 1170)

Came from the Senate with the Reports read and accepted.

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

**Non-Concurrent Matter**

Bill "An Act to Authorize the Executive Council to Approve or Disapprove Certain Claims Against the State" (H. P. 366) (L. D. 460) which was passed to be engrossed in the House on April 29.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-114) in non-concurrence.

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

**Non-Concurrent Matter**

Bill "An Act to Permit the Disposal of Moose Killed in Motor Vehicle Accidents" (H. P. 977) (L. D. 1224) on which the Majority "Ought Not to Pass" Report of the Committee on Fisheries and Wildlife was read and accepted in the House on April 28.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-206) Report of the Committee on Fisheries and Wildlife read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-206) and Senate Amendment "A" (S-113) in non-concurrence.

In the House: On motion of Mr. Mills of

Eastport, the House voted to recede and concur.

**Non-Concurrent Matter  
Later Today Assigned**

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature (H. P. 1510) (L. D. 1827) which was passed to be engrossed in the House on April 23.

Came from the Senate passed to be engrossed as amended by Senate Amendment "D" (S-108) in non-concurrence.

In the House:

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

Mr. ROLDE: Mr. Speaker, I notice that the Chairman of the State Government Committee is not in his seat, and I would ask to have this tabled until later in today's session.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending further consideration and later today assigned.

**House Reports of Committees  
Divided Report**

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Require Bicycle Safety Education in Public Schools" (H. P. 1079) (L. D. 1359)

Report was signed by the following members:

Mr. BERRY of Androscoggin — of the Senate.  
Mrs. MITCHELL of Vassalboro  
Messrs. LYNCH of Livermore Falls  
BAGLEY of Winthrop  
CARROLL of Limerick  
INGEGNERI of Bangor  
POWELL of Wallagross Pkt.  
CONNOLLY of Portland  
TYNDALE of Kennebunkport — 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. KATZ of Kennebec  
THOMAS of Kennebec — of the Senate.  
Mr. FENLASON of Danforth  
Mrs. LEWIS of Auburn — of the House.

Reports were read.  
On motion of Mr. Lynch of Livermore Falls, 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 appear on the Consent Calendar for the First Day:

Bill "An Act Concerning the Jurisdiction of the Courts" — Committee on Judiciary reporting "Ought to Pass" (S. P. 374) (L. D. 1201)

Bill "An Act to Provide for Reimbursement of Court Appointed Attorneys for Reasonable Disbursements made on Behalf of Their Clients" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" (H. P. 1265) (L. D. 1631)

No objections being noted the above items were ordered to appear on the Consent Calendar of May 7, under listing of the Second Day.

**Consent Calendar  
Second Day**

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

Bill "An Act to Allow the Seed Potato Board to Test Foundation Seed Potatoes and to Sell Potatoes Grown on Land Owned by that Board." (H. P. 1016) (L. D. 1296)

Bill "An Act to Provide Retirement Credit for Superior Court Justices for Time of Service as a District Court Judge" (H. P. 1200) (L. D. 1495)

Bill "An Act Relating to Clarification of Interlocking Loans under the Maine Consumer Credit Code" (H. P. 1180) (L. D. 1481)

Bill "An Act to Establish the Department of Electric Works Within the Town of Madison" (Emergency) (H. P. 1240) (L. D. 1737)

Bill "An Act Providing Compensation for Public Members of the Maine Municipal Bond Bank" (H. P. 872) (L. D. 1078)

Resolution, Proposing an Amendment to the Constitution to Establish Filing Dates for Initiatives and Referendum Petitions; Clarify when the Effective Date of a Bill is Suspended by the Filing of a Referendum Petition; Clarify the Process of Calling a Special Election for an Initiative or Referendum Vote; Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People; Clarify the Petition Process; and Provide for Review of the Validity of Petitions (C. "A" H-241) (H. P. 158) (L. D. 188)

On the request of Mr. Jensen of Portland, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Resolution read once. Committee Amendment "A" (H-241) was read by the Clerk and adopted and the Resolution assigned for second reading tomorrow.

Resolve, Authorizing the Director of the Bureau of Forestry to Convey the Interest of the State in and to Certain Land in Medford, Piscataquis County" (C. "A" H-240) (H. P. 181) (L. D. 231)

Bill "An Act to Improve the Management of the Public Lands" (C. "A" H-247) (H. P. 703) (L. D. 930)

Bill "An Act to Include the Right to Use Submerged Lands as Part of Environmental Licensing" (C. "A" H-246) (H. P. 567) (L. D. 703)

Bill "An Act Concerning the Maine Consumer Credit Code and the Insurance Statutes" (Emergency) (C. "A" H-245) (H. P. 789) (L. D. 962)

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

**Second Reader  
Tabled and Assigned**

Bill "An Act to Exempt Nonprofit Historical Societies and Museums from Payment of Sales Tax" (H. P. 1326) (L. D. 1627)

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

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

**Passed to Be Engrossed**

Bill "An Act Relating to Compensation

for Minors Delivering Newspaper Supplements" (H. P. 910) (L. D. 1109)

Bill "An Act Pertaining to the Qualifications of Elevator Mechanics" (H. P. 1448) (L. D. 1703)

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

**Second Reader  
Tabled and Assigned**

Resolve, to Adjust the Retirement Allowance under the State Retirement Law for Donald A. Yeaton of Winthrop (S. P. 450) (L. D. 1509)

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

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

Mr. LYNCH: Mr. Speaker and Members of the House: I would suggest if there is no fiscal note on this that someone table it.

Thereupon, on motion of Mr. MacEachern of Lincoln, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act to Clarify Provisions of the Election Laws" (H. P. 27) (L. D. 35)

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

**Amended Bills**

Bill "An Act Relating to Maternity Benefits for Unmarried Women Health Insurance Policyholders and Minor Dependents of Health Insurance Policyholders" (S. P. 121) (L. D. 407) (S. "A" S-88)

Bill "An Act to Extend the Hours for Sale of Liquor During the Tourist Season" (H. P. 1358) (L. D. 1660) (C. "A" H-242)

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

**Passed to Be Enacted  
Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 108 voted in favor of same and 10 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Redefine the Term Finance Charge under the Consumer Credit Code so as not to Include a Discount for Cash Payment (H. P. 1319) (L. D. 1638)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 113 voted in favor of same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act Relating to Special Agency Stores (S. P. 290) (L. D. 1015)

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

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this item and would speak briefly to my motion.

First, I would like to point out to you that this makes the first break in state-owned and operated liquor stores, because this bill would allow the commission, under fairly strict regulations, to permit a merchant in a town that does not have a liquor store to own and sell liquor. This would be towns, though they may have voted for a liquor store in the past, it was very easy to vote yes for this question because it was well known to everybody that the state was not going to put a liquor store in a town of nine or ten hundred people, so now we would put it in without a true referendum of the people of those communities.

It is also going to lead, in the process of time, to wheeling and dealing for liquor licenses. In a town where there are four or five stores, the license is pretty apt to go to the fellow who votes right or makes a generous contribution to some cause.

I would also point out to you that buying liquor is often an impulse purchase. You happen to be in the town or near a state liquor store, you realize that your supply of Duggan's Dew is running short, so you run in and buy a quart of Duggan's Dew, but if you are quite a distance from the store, 10, 15 or 20 miles, you don't jump into your car and drive the 30 miles to the Power House, you wait until you have some other reason to be in that community and then you go in and purchase your supply of liquor.

Now, this also is going to lead immediately to the closing of some stores that are not profitable, but it also is going to lead eventually to the closing of some stores that are profitable because these stores, when located fairly centrally, depend upon the patronage of a number of the satellite towns. If each of the satellite towns have, in effect, what is a private liquor store, then sales to the State Liquor Store are bound to decrease and within a year or so, that store becomes unprofitable. So in a matter of a few years, the only place you would have a state store and the controls that go with it would be in the major cities of the state.

I realize there is some inconvenience if you live in some areas, and I spend a good part of the summer in an area that is 25 miles from a liquor store, it is some inconvenience if you want to pick up a couple of bottles to have to drive the 25 miles, but as I said before, you generally wait until you are going into that town and shop for groceries or something else.

I think this is a wrong, wrong move on the part of the state. There isn't a country in the world that doesn't have to exercise strict control over liquor. There isn't a consumer that doesn't have to exercise strict control over his consumption, and I am one perfectly able to testify to the effects of not limiting your consumption at certain times. I would hope therefore that you would vote to indefinitely postpone this bill.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill has gone through this far very nicely; there has been no trouble with it. It had an extremely good hearing in committee and we limited the number of stores that could immediately be put in, and there would be no store put in a town unless that town had voted for it. In other words, if they had voted to have liquor sold in that town, then perhaps some store would be put in. The store would be picked by the commission, by the director, with the aid of the commissioner, so there shouldn't be any problem in any area regarding the picking of that store. As I said, this has had a good hearing, it is a good bill, it is a step in the right direction and let's keep it that way, and when the vote is taken, I ask for a division.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: Not for the same reasons as Mr. Farnham gave, but I am also against this bill because I can see some political ramifications in the future. Who is going to determine who is going to get what store in what town that is going to be able to sell this product? One man. I am afraid that we are going to set back the liquor industry if we do this. I feel that giving one man the power to determine what store and what town will sell, I think is very, very bad. I am afraid we could go into probably another scandal in the future years and that is why I oppose this bill and I am going to vote against it.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't support a motion to indefinitely postpone this bill. I don't ever remember in my life of when I used that much liquor and that is not a concern of mine really, but I can tell you that I don't like to meet drunks on the highway, and it seems to me that these people get it and if they have to drive — I represent a lot of towns, as you all know, where they have to drive as much as 50 or 60 miles to a liquor store, and I think they are a hazard going and coming because they generally have a little edge on sometimes before they go looking for it and after they get there, they are usually quite thirsty and they have to have some before they get back. To me, they are a menace on the highway, both going and coming and if they could get it right in their own community, they wouldn't be on the highway that far or that many miles, and for this reason, I would think that the lesser distance they have to go for it, the less menace they would be on the highways. So for this reason, I would hope that this bill would receive passage.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise, not to debate the morality of this bill, because I think this was debated in 1933 when the state got into the liquor business.

I rise to support this bill and to ask you to go against the indefinite postponement for an economic factor. This bill and its mechanism was a result of the Governor's Cost Management Study, and they felt that this was the only economic way that the small local towns could get into an area where they could have their liquor in the small towns. For this reason, I support this for two or three small towns and feel that if this is the only vehicle through which they

will have liquor available in the town, I would then support it.

Mr. Dudley's mentioning the fact that people driving on the highways after having drinking is one other thing. I think the economic factor is the greatest. If a town is not large enough to support a liquor store, it is not economically feasible for the state to put one there. Therefore, people move out of town to buy their liquor and when they do this, they buy their other products too. So, this means a leeching away of the small town merchant. Therefore, I oppose the move to indefinitely postpone this bill.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have always opposed personally any booze, but I feel that it is not for me to decide, it's for the people of this state if they want it. Consequently, a store will not be put into a dry town; it will be put into a wet town, and I think that as long as the people vote for it in the towns, that this body should support them. If they vote against it, then we should support them too. Therefore, I can see nothing wrong with this bill and I wholeheartedly support it.

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

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentleman from Hampden, Mr. Farnham. I feel that the limited state store approach has been very satisfactory. I saw the devastations of prohibition and I think that that was a terrible period in our history and I certainly don't want to go back to that situation. However, we have had a very successful control situation here in the State of Maine since we had state stores. I think one of the key words that the gentleman from Jay used in his remarks was the fact that the committee limited a number of stores that could immediately be put in, but there is no question but what this contemplates a store in every town in the State of Maine eventually that will vote for it in local option. I submit to you, ladies and gentlemen, that not only will that make liquor even more expensive in the State of Maine than it is now, but that the control that we have had for many years, which has worked very satisfactorily, this is the opening wedge to erode that control to the point where you are going to get a situation that the people may, once again, decide is the wrong way to have liquor sold.

I hope that you will support the motion of the gentleman from Hampden, Mr. Farnham.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I do not oppose selling liquor in the small towns where the voters have a liquor store. What I oppose is the machinery in which it is going to be done. I don't care about putting one man as a liquor czar who is going to determine just what the factors are or set up the rules and regulations whereby these stores may be able to sell.

You might have three stores in one town, one in the center for some reason or other that no one will know, who will get a permit to sell in this agency store and the other two stores will probably starve to death, as Mr. Farnham said. If there was any other way of setting this up under state control, without putting it into one store, pitting one store against the other for the trade I would be for this bill, but I don't care for the mechanics in which this is going to be worked out, that is why I am against it.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have heard these questions debated here for 10 years now but it is in regards to this one here of setting up these small stores to dispense liquors, the person who has the license has to be very well qualified to handle the product at all. But now when you take the small back areas and somebody has company come in or they want a bottle for themselves, they have got to drive 40 or 50 miles to a state liquor store, they have got to be there at certain hours to get it. When you consider the costs of going after the bottle and coming back home and add that on to the price of the bottle, I always feel it is discrimination against our rural areas.

I have two communities in my new district that have voted a long time to have a liquor store but on account of the density of the population, they couldn't get it. I hope everybody votes against the indefinite postponement of this bill. I think it is a good bill.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have got to rise to support the motion of the gentleman from Hampden. It seems to me that this has already been said, is just simply a start toward eliminating our whole control system, a start toward having liquor stores privately owned, not controlled as well as our present stores are and it seems to me that we ought to go along with the motion to indefinitely postpone this bill.

The SPEAKER: A roll call has been requested. In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 pending question before the House is on the motion of the gentleman from Hampden, Mr. Farnham, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Berry, P. P.; Berube, Call, Carroll, Clark, Connolly, Cote, Cox, Curtis, Doak, Farnham, Fenlason, Finemore, Gray, Hughes, Hunter, Immonen, Ingegnieri, Jackson, Joyce, Kany, Kelley, Laverty, Lewin, Lewis, Lynch, Mahany, Martin, A.; McBreairey, McMahon, Mitchell, Morton, Mulhern, Perkins, S.; Raymond, Rollins, Saunders, Shute, Silverman, Snow, Spencer, Sprowl, Strout, Stubbs, Talbot, Tierney, Torrey, Tyndale, Walker, Webber, Wilfong, Winship.

NAY — Albert, Bachrach, Bennett, Boudreau, Bowie, Burns, Bustin, Carey, Carpenter, Carter, Chonko, Connors,

Cooney, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hobbins, Jacques, Jensen, Kauffman, Kelleher, Kennedy, Laffin, LeBlanc, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Maxwell, McKernan, Mills, Morin, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Powell, Rideout, Rolde, Smith, Snowe, Susi, Tarr, Teague, Theriault, Tozier, Truman, Twitchell, Usher, Wagner, The Speaker.

**ABSENT** — Birt, Blodgett, Byers, Churchill, Faucher, Hewes, Hutchings, Jalbert, LaPointe, Leonard, Littlefield, Martin, R.; Miskavage, Palmer, Post, Quinn.

Yes, 55; No, 79; Absent, 16.

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

Signed by the Speaker and sent to the Senate.

#### Enactor Reconsidered

An Act Concerning Listing of Tax Exempt Real Property for Town Reports (S. P. 496) (L. D. 1843)

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

On motion of Mr. Burns of Anson, 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-248) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I offer this amendment which changes it from "shall" to "may" whereby the exempted property be published either in the town report or in a local newspaper.

I checked with my own home town and it would run us approximately \$100 a year, just the printing costs, to put it in the town report. This is another case where we, as a Legislature, would be dictating to the towns that they must do something, that they must spend their monies. If we change this to "may", giving permission for it to be done, then it would be to their option.

We heard in November and we are hearing subsequently from the Freedom Fighters, this would be additional ammunition for them should this bill pass as it currently is. The information as to what is exempt from taxation is readily available at the tax collector's office. All you would have to do is go in and request the information.

One of the dangers I feel in this bill is that the total valuation of a town would be established, what would happen in future times should someone want to use the total evaluation for the basis of a tax.

I also feel that any bill similar to this should have a price tag on it, even though there is no monies coming out of the state coffers, but when we are directing the towns and municipalities or counties to spend money, we should also have an idea of how much of that money is going to go out.

The SPEAKER: The Chair recognizes

the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I have no objection to the amendment. I am not going to object to that because it does make it permissive. However, for the record, I would like to say that at the legislative hearing that was held by the Maine Municipal Association, when the majority of the towns were there to vote on the bills that could be supported and not supported, this was one of the bills they voted to support.

Also, for the record, I would like to say that in the town of Anson, where Mr. Burns, the Representative comes from, but I checked with the first selectman, Robert Garland, at the last Somerset County Municipal meeting last Wednesday night, and I was told that he supported this. Evidently, when a question is asked, it depends which way the question is asked on the answer you get but I do not oppose the amendment, but for the record I would just like to straighten it out that I did check with the gentleman's town, the Chairman of the Board, Mr. Garland, and there was strong support for this.

The other thing I would like to point, as far as listing the amount for the property tax exemptions, this is nothing new because it is being done in quite a few of the towns already. The only thing this bill does is to list by title the name of exemptions.

Thereupon, House Amendment "A" was adopted.

The bill passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

Mr. PIERCE: Mr. Speaker, in regard to item three, having voted on the prevailing side on L. D. 1015, I now move reconsideration and hope you will vote against me.

The SPEAKER: The gentleman from Waterville, Mr. Pierce, moves the House reconsider its action whereby An Act Relating to Special Agency Stores, Senate Paper 290, L. D. 1015, was passed to be enacted. All in favor of reconsideration will say yes; those opposed will say no.

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

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

An Act Relating to the Appointment of Clerks of the Judicial Courts (H. P. 533) (L. D. 671)

An Act Relating to the Definition of a Real Estate Broker (H. P. 685) (L. D. 869)

An Act to Prevent Unfair Discrimination Against Blind Persons Seeking Insurance Coverage (H. P. 846) (L. D. 1033)

An Act Relating to the Training of Coon Hounds (H. P. 888) (L. D. 1063)

An Act Relating to Default under the Maine Consumer Credit Code (H. P. 1202) (L. D. 1497)

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.

An Act Relating to the Prohibition Against Hitchhiking (H. P. 1474) (L. D. 1564)

Was reported by the Committee on

Engrossed Bills as truly and strictly engrossed.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I move that House Paper 1474, L. D. 1564, An Act Relating to the Prohibition Against Hitchhiking, be indefinitely postponed, and I will speak to my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Call, moves that the Bill be indefinitely postponed.

The gentleman may proceed.

Mr. CALL: Mr. Speaker and Members of the House: If there are any laws in this state which should be repealed or weakened, the prohibition against hitchhiking is not one of them. Hitchhiking in this state has been and can be in the future precarious to both motorists and hitchhiker.

The history of Maine hitchhiking law is an interesting one. It goes back to its inception 46 years ago. No proposed legislation caused any more interest and discussion during the legislative session of 1929 than the bill which created the present law against hitchhiking.

In the 105th and 106th Maine State Legislature, a predecessor to the present bill was introduced by a member of this House who was attending the University of Maine. He has since graduated. His main argument was that his fellow students begged him to present the bill because the police were not consistent in their enforcement of the law. He added that some told him they were afraid to thumb a ride because they feared they would be arrested. But if the law were to be removed, they would have no fear.

The most common of the weak arguments was that the law is not enforced. My reply to that is that there are countless laws on the books everywhere which were put there for the convenience of police authorities on those occasions when they wished to take action. That is the name of the game. If action were taken every time a policeman saw or had called to his attention a minor crime or offense, this legislature would be overburdened with requests for more courthouses, more judges, more bailiffs, more court officers, more court messengers, more prosecuting attorneys, more jails and temporary lockups, and you name it.

If we are to permit daytime hitchhiking, what is to prevent this legislature from permitting at some future date daytime robbery, daytime burglary, daytime driving a motor vehicle under the influence of intoxicating liquor and drugs and daytime adultery? As I have said before, we might just as well have no law against hitchhiking, if in addition to daytime hitchhiking being permissible, it might be permitted in certain areas and upon the willingness of certain state and municipal departments. How is the cross-country hitchhiker to know where and when his activity is permitted while he is traveling from Maine to California? Should we ask the United States Chamber of Commerce to prepare a brochure for the accommodation of the long-distance hitchhiker?

We owe it to the people of the State of Maine to protect them from a possible loss of life or crippling injury by keeping the law on the books now, just as it was passed 46 years ago.

I don't know of better reasons to refrain from changes than those that followed the

other day by a member of the this body who said the motorist could assure his safety by having the prospective passenger show an I.D. card through the closed window and by the same token, the passenger who suspected that he had thumbed the wrong driver could ask to be let out of the car on the hoax that he was about to vomit. Again, I ask the indefinite postponement of this ridiculous bit of legislation and thank you.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I think the good gentleman from Lewiston, Mr. Call, has just given an excellent debate for the reasons that we should pass this bill, and I would ask for a division on his motion.

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

Mr. DAVIES: Mr. Speaker and Members of the House: Representative Call seems to be bound and determined this session to remove a lot of things from the roads of the State of Maine. First of all, he wanted to remove chickens, and now he wants to remove hitchhikers, but indefinitely postponing this bill will not accomplish the latter. If anything, this bill will provide some reasonable regulations by which the state and the municipalities can govern the activity of hitchhiking which is taking place on our roads currently and has been ever since the first automobile was introduced into this state.

Let me point out that our own Senator Hathaway was faced with a situation last weekend where he had to violate the laws of the State of Maine and hitchhike so that he could get back to Washington after running into a situation where his automobile would not operate. I am sure that he did not like the idea of violating the laws, but he recognized that if he used reasonable caution that he in fact would be able to safely hitch a ride without endangering himself or the motorist.

Hitchhiking has become very important in this state, especially with the energy crisis that we faced. A number of people were unable to afford the operation of an automobile or even purchasing one but needs to get around the state to go to work, go to school, to get to a shopping center, to provide for the basic needs that you and I find rather easy to fulfill with our automobiles, and they have to hitchhike. This number is large and it is increasing every day.

Let me also point out that the whole matter of hitchhiking, I feel, and I feel a lot of my conservative friends would agree with me, is a matter of personal decision, a decision that is made by the person that sticks out his thumb or in other ways gestures or invites a ride, and by the driver of the automobile who makes his own decision of whether he is going to stop and pick up a person or not. I feel that there are too many cases where the state interferes with the lives of the individuals where it is unjustified, and I think this is perhaps one of them.

So I would urge you all to vote against indefinite postponement, and I would also urge someone to move that when the vote be taken it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the lady from Millinocket, Mrs. Laverty.

Mrs. LAVERTY: Mr. Speaker and Members of the House: I would just like to point out that there are two sides to this coin, and I relate an actual experience. I once picked up a young hitchhiker at a

Howard Johnson restaurant. When I learned that he was only 16, I think the mother in me rose up and I was about to lecture him on daring to do this thing, and he promptly put me in my place. He told me that at the restaurant he had called the state police to report the former driver because the driver had been a drunken driver. So you see, there are two sides to this.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I see no need for this bill. I think you can hitchhike now. I occasionally do and I don't have any problem. I never ended up in jail. I think if you talk with any state police or any former state police, there might be some within our ranks here, they will tell you the convenience of it is now they can stop these young people and see if they have got a gun, contraband in a lot of cases, where if it is legal, they will have no reason to stop them and question them about things, and I think this is a very good thing. A good percentage of them, they find carrying knives and guns and other contraband that they shouldn't be having in the first place.

I know at least the officers in my area don't molest them any further than to find out that they are not carrying illegal things, and I think it is kind of a good thing for trying to check over this kind of thing. I don't believe there is any great problem. None of my people are having a problem hitchhiking. A lot of them hitchhike, including myself. I quite occasionally do. I rather enjoy it sometimes. You meet some nice people a lot of times.

But let me tell you, I don't believe you need this bill, and I am afraid if you do, once they think they have got the right, some of them now are pretty arrogant, you will find them clear into the yellow line, I am sure. I hope that we always can have hitchhiking on the basis that we have it now and that we never get too strict with them. I don't think there is any need for this bill and I do hope that we indefinitely postpone it.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: There will be many hitchhikers on the road this weekend to make it home for Mother's Day. I agree with the previous speaker in that the present law is far better than the proposed. That policeman out there in the field is a well trained public relations man today. Police discretion is the cry of today in law enforcement. It is true, all people who commit crimes are not arrested. A study a few years ago, and this study is used by many sociologists at the university level, referred to as the Wiles and Wallastine Report on crimes committed in this country, the study showed that if during our lifetime we were properly prosecuted for crimes that we commit, that at least 99 percent of the people would serve at least one year in jail.

Certainly, all laws are not enforced. The present law operates this way. Police will drive by hitchhikers, however, somebody gets concerned and will report a person standing on the street corner at an unusual hour; the police will go out and talk to them. And I found most of my officers would move him on the cruiser car to a better location to get a ride.

I don't ever recall in my 27 years of anybody being arrested for hitchhiking in Portland. I would hate to think of the remarks that I would have made as a

supervisor to one of my patrolmen who brought a subject in for hitchhiking.

I feel that this proposed legislation would set up a real opportunity for harassment of these young people who travel the roads. My 16-year-old daughter hitchhiked to the West Coast and then wrote me a letter. I don't think the present law is being abused and, really, I would hate to vote for this bill and deprive some son the opportunity to get home on a Mother's Day.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't really going to speak on this bill, but as most of you know, I did sponsor some legislation concerning hitchhiking during the last session.

I would just for a moment disagree with my colleague from Portland. A young man was arrested in Portland just a couple of months ago for hitchhiking. It seems as though he missed his bus to a very important track meet and was hitchhiking back into town when a police cruiser passed several other hitchhikers and picked him up and arrested him. He spent a couple of days in jail before he got out. He was charged with illegal hitchhiking.

There is absolutely nothing wrong with this bill. I travel from Portland to Augusta and from Augusta to Portland just about every day while we are in session, and it is my understanding that all of the young men and women that I pick up, and I pick up about 99 percent of them, unless I am really in a hurry, they are very nice and cordial young men and women. I would, however, just like to suggest to some of you that if you are so concerned, as the gentleman from Lewiston, Mr. Call, is about the safety of our motorists, you should check your roll call on the regulation of the sale of handguns.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: The members of this body would be amazed to know how many subjects are picked up by being hitchhikers in the rural area. When they see a hitchhiker, if he looks a little suspicious, all they have to do is get his name and address, date of birth, call the barracks and they call NCIC in Washington and within two minutes they have all the data if he is wanted in other states. I don't know the figures as to how many are arrested every year because of that account, but I know it is quite a few, so I am opposed to this bill.

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

Mr. HUGHES: Mr. Speaker and Members of the House: As a member of the Judiciary Committee, I detect some confusion about just what the bill does and I think perhaps I ought to explain it.

The original bill was put in by Mr. Davies of Orono, but the version before you now is a complete redraft and bears very little resemblance to the original bill. Under the present law, hitchhiking in Maine is prohibited along all roads. This bill will prohibit hitchhiking on the interstate highways and the Maine Turnpike. It will allow the Maine Department of Transportation to prohibit hitchhiking in especially dangerous areas. Further, it will allow towns to prohibit hitchhiking where they wish to. In both of those cases, the Department of Transportation or the towns will have to post signs showing that it is prohibited, but

except for the Turnpike and the interstate, and except for those posted locations by towns and the Maine Department of Transportation, hitchhiking would be legal. It would not, however, be legal to hitchhike on the traveled surface, that is, you must be standing well off the road so that you don't become a hazard to drivers. And finally, and a major change from the last bill which was before this House in the last session, we made this applicable only to hitchhiking in the daytime, because we saw a special danger in hitchhikers walking on the right side of the road hitchhiking after dark.

Now in the last session, the bill sponsored by Representative Murray passed this House by about 20 votes, lost in the Senate by one vote. This bill does not go nearly as far as that bill. That legalized it day and night. This, I think, is a good bill. It is the unanimous report of the Judiciary Committee, which worked on the original bill a long time to come up with this new draft, and I recommend it for passage, and I think this bill will help our kids get home on Mother's Day legally.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak again on this, but I would like to reply to the remarks in regard to the City of Portland. If we had the Portland policemen up here in my home town and they let the kids hitchhike to the University of Maine, I wouldn't be standing here, but I know that our University of Maine students have been harassed by the local police in several cases, and it seems to me that it is up to the legislature to pass a bill which will permit the town fathers of Winthrop to designate some spots where the students may stand and legally accept a ride. As it is, we are making lawbreakers of all of us.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly concur with the remarks of the previous speaker. I am glad that the Representative from Portland, Mr. Joyce, has exercised benevolent neglect in the City of Portland in the past, or he says he has. I am not in favor of legislation that promotes scoff law activity. I think that if we have a law that is universally being breached, it is better to remove the law from the book or to amend it to an acceptable form. I think this is what this legislation does.

I also am proud to have recently been appointed to the Governor's Advisory Committee on Energy, and I think from the standpoint of energy conservation, we should endorse this bill. I think facing the problem of empty automobiles or almost empty automobiles, except for a driver going down the road and consuming petroleum, it is much better to share this with people who need a ride and conserve our fuel in that respect.

And one last comment. A number of the members of the House have spoken of the Freedom Fighters and their concern with local control. I think we have here a bill that returns local option and a bill that even the Freedom Fighters will endorse. I hope that we all emulate that example.

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

Mr. MORTON: Mr. Speaker, I would like to pose an inquiry. What amendments are on the bill?

The CLERK: Senate Amendment "C" with a filing number of S-106.

The SPEAKER: Senate Amendment "B" which you have reproduced under S-80 was indefinitely postponed in the Senate. The one that is on the Bill now is Senate Amendment "C" under filing number S-106.

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

Mr. MORTON: Mr. Speaker and Members of the House: I have always had a history of opposing hitchhiking legislation. In fact, I am basically opposed to hitchhiking. However, I think this is probably a reasonable attempt and I am going to swing over today for the people that have done so much work on this and I am going to vote for it.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Call, that this Bill, "An Act Relating to the Prohibition Against Hitchhiking," House Paper 1474, L. D. 1564, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Call, Dudley, Finemore, Fraser, Gould, Joyce, Kauffman, Kelley, Laffin, Shute, Theriault, Torrey.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow Drigotas, Durgin, Dyer, Farley, Farnham, Fenlason, Flanagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jensen, Kany, Kelleher, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBrairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Tierney, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

ABSENT — Blodgett, Carroll, Faucher, Hewes, Jacques, Jalbert, Littlefield, Martin, R.; Mulkern, Tozier, Webber.

Yes, 12; No, 127; Absent, 11.

The SPEAKER: Twelve having voted in the affirmative and one hundred twenty-seven having voted in the negative, with eleven being absent, the motion does not prevail.

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

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I now move

we reconsider our action and I hope you will vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill was passed to be enacted. If you are in favor of reconsideration you will say yes; those opposed will say no.

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

An Act to Permit Pharmacists to Advertise Drug Prices and to Provide Retail Price Posting Information to Pharmacies (H. P. 1538) (L. D. 1849)

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I have two questions about this. One, I am not sure whether the bill that we are voting on today does indeed require mandatory posting. And the other question I have is, I am wondering why advertising would be allowed on a radio but not on television, and that was never clarified, I don't believe, in the previous debate.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, poses two questions to any member who may care to answer if they so desire.

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

Mrs. POST: Mr. Speaker and Members of the House: I think the bill itself does mandate posting, that is very clear. That was the committee report that this body adopted after lengthy debate. The issue was whether or not posting would be required, and that is very clear if you read the enactor which we have.

Secondly, as far as the issue of television was concerned, there were very many people who were concerned perhaps with the effect on the small drug stores that advertising might have, and this was one way to insure that large amounts of money wouldn't be spent to some high powered TV blitzes that would in fact put them in a position where they weren't able to complete at all.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: As we are about to enact this bill today, it gives me a sense that I don't have to stand up here like Everett Dam standing up here with his newspaper bill each time and keep saying there is a need. I think we in this legislature recognize that in the field of marketing or selling or distributing products, that the consumer also must be recognized and with that recognition have competitive pricing as well as a chance to know what the prices are, not just blind pricing, and with that, I hope this bill is enacted showing that we in the Maine State Legislature recognize needs and will pass laws to take care of them.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I have opposed this in the past, and on the last vote also. I was told by two pharmacists that they didn't know if they could continue to give a discount to the elderly if this went through. They were hoping they could. Therefore, I



am going along with the bill and hoping that everything will be all right.

Thereupon, Mr. Torrey of Poland 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 pending question is passage to be enacted. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Call, Doak, Morton, Perkins, S.

ABSENT — Carroll, Faucher, Hewes, Immonen, Littlefield, Lizotte, Martin, A.; Martin, R.; Mulhern, Tozier, Webber.

Yes, 135; No, 4; Absent, 11.

The SPEAKER: One hundred thirty-five having voted in the affirmative and four in the negative, with eleven being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

An Act to Clarify and Make Uniform the Definition of Mobile Home (H. P. 1544) (L. D. 1861)

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

#### Enactor

#### Tabled and Assigned

An Act to Protect Landowners Whose Land Abuts Land on Which Ten or More Acres of Timber is to be Harvested (H. P. 1545) (L. D. 1862)

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

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

An Act to Permit the Commissioners of Aroostook County to be Paid Traveling Expenses in Addition to their Salaries (H. P. 1546) (L. D. 1863)

#### Finally Passed

Resolve, to Reimburse Thomas F. Oechlie of East Holden for Damage to Beehives by Bear (H. P. 883) (L. D. 1055)

Resolve, to Reimburse Lawrence H. Roberts of South Portland for Damage to his Automobile Caused by State Ward (H. P. 973) (L. D. 1222)

Resolve, to Reimburse W. E. Emery of North Anson for Loss of Livestock by Coyotes and Bear (H. P. 1090) (L. D. 1369)

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

#### Orders of the Day

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

Bill "An Act Allowing a Bureau Chief in the Department of Business Regulation to Serve Simultaneously as the Commissioner" (Emergency) (H. P. 1042) (L. D. 1333)

Tabled — May 2 by Mr. Rolde of York.

Pending — Passage to be Engrossed.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This was a bill that we accepted the first reading of the other day, and I had it tabled. I had concern about this bill because I wondered whether this bill was really not an attempt to undo some of the work that we did in the last legislature in setting up a Department of Business Regulation. The Department of Business Regulation was the last of a series of reorganization that had been recommended through the State Planning Office. It took a great deal of work to get this department set up. The original legislative intent in setting it up was that there would be no single department that dominated the Department of Business Regulation. Therefore, we recommended in the bill that we passed establishing a commissioner who did not come from either of the two major departments that were in this reorganization, either the Department of Banks and Banking, now the Bureau of Banks and Banking, and the Bureau of Insurance.

It seems to me that what this bill proposes — if this had been the approach that the last legislature wanted to take, they would have done that. They would have simply designated one of those two agencies to be the head of the Department of Business Regulation. Therefore, it seems to me that this bill goes against the intent of the last legislature and, in effect, does away with the Department of Business Regulation. Therefore, I would move the indefinite postponement of this bill and all its accompanying papers.

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

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I will repeat some of the information I gave the House the other day on this bill. First of all, this bill is asking to do exactly what is being done in the department at the present time. Mr. Gelder, the head of Banks and Banking, is acting commissioner of this department. I have discussed this with him and he doesn't have any difficulty in handling these two jobs. This is a small cost saving of \$48,000 for the biennium. I know many legislators complain about different department heads and high paid

department heads, how many we have of them here in state government, and here is a chance to save some money in a department that does not need a full time commissioner.

The legislature in the last session also saw fit to say in this particular reorganization, which is different from any of the other departments that we reorganized, the legislature said 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 agencies, which are: Banking, Insurance, Real Estate, Consumer Protection, Boxing and Land Damage. So that means that the commissioner is strictly to submit the budget and handle personnel matters and under that law that is all he can do.

Mr. Gelder told me that the Governor had offered him a job as commissioner and he does not want it. He likes to work, he doesn't like to sit around twiddling his thumbs and have nothing to do, and this is exactly what he would be doing if he took the commissioner's job.

This is a cost savings. This is one chance for us to save a little money, and I hope we can save a lot more later in the session, and I hope you will vote against the indefinite postponement motion of the gentleman from York, Mr. Rolde, and pass this bill to be engrossed.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from York, Mr. Rolde, has given you some of the details of what happened when this bill was passed last year. It was before our Committee on State Government, and we did have a problem. We couldn't get the insurance people and the bankers to go to bed in the same bed. It was a case of should have been one department, but we were well lobbied and, after all, we took the easy way out and created two departments. Now is a chance to kind of straighten that out. These people have found out that they can live together without fighting. After all, about the only conflict they have is on the sale of annuities or handling of pension funds, and not much of that is done here in Maine anyway.

Instead of having a couple of people over there twiddling their thumbs wishing they had something to do, passage of this bill will mean that one man will be kept fairly busy. In the meantime, of course, it appeals to my Scottish ancestry to save \$48,000 in the next two years, and I think there are plenty of places for it to go, so I hope you do not vote to indefinitely postpone this bill.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support Mr. Hinds from South Portland. If we can save \$48,000, we should do it, and I am all for it.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I too would like to save \$48,000, but I think it is kind of short-sighted of us to just go ahead and start chopping off and say we are saving money without looking at the services and actually what is being provided. I think we ought to look at this job like we have

looked at other jobs and decide whether we still need it.

I would just like to relate to you a bill which I had in for hearing before my committee last week which dealt with insurance, not the no-fault bill, another one, and Mr. Gelder came to testify in favor of it. But I don't know, I don't have the same feeling as Mr. Hinds had in discussing with Mr. Gelder his operation. He seemed to be having a very difficult time trying to wear two hats. He is trying to be the Banking Commissioner and deal with all the problems that that has, and he also has to sit and make policy and guide the administration of the Department of Consumer Protection, which has to administer our whole uniform commercial credit code, and he had to come in on hearings that have to do with insurance. It is not a question, as the gentleman from Hampden, Mr. Farnham said, of someone sitting around and twiddling their thumbs. The gentleman is overworked; he is working so hard that I didn't feel that he did the job that he originally said he was going to do, simply because he was trying to wear too many hats and do too many different things. I think we ought to indefinitely postpone this bill, I think it goes counter to the intent of the last legislature.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen: I agree with the gentleman from Durham, Mr. Tierney. The man is overworked temporarily because he is before committees three or four hours every afternoon during the working week, not on his job, and as soon as we get out of here and get hearings over with, the fellow will have a chance to get his work done over there.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say that I have a signed memo from Mr. Gelder stating the information that I presented to this House that he is not overworked, "that the commissioner's job (and I quote from the memo) as presently constituted need not be a full-time position if more bureaus and agencies are added to the department, it could be in the future."

This bill also allows the thing to go either way, the Governor can determine if it is necessary for a full-time commissioner, he can make him full-time, if he doesn't want him that way he doesn't have to.

I might add that the previous commissioner that left in kind of a huff here from State Government had requested in this budget over \$100,000 to expand the commissioner's department. Mr. Gelder said that money was not needed, was not necessary and he deleted it from the budget so it is not before us at the present time but if the present commissioner had been there, they would have wanted to expand their agency and expand State Government a little further and would have requested from the legislature more than \$100,000 for the operation of the Commissioner's Department. I request a division when the vote is taken.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here and listened to this debate here and I have

got the feeling now that the gentleman in question has been put under a tremendous amount of pressure to make an agreement on this thing. I am for the indefinite postponement.

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

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: This department does need a full-time commissioner. The Department of Insurance was before our committee asking for \$50,000. The Bureau of Consumer Protection was before our committee asking for another \$25,000 so that puts us only \$25,000 short of what Mrs. Wild asked us for in the \$100,000. I would support the indefinite postponement of this bill.

Mr. Rolde of York moved for a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: A few years ago, I had the opportunity to have my license cancelled by an insurance company. This insurance company I had been affiliated with for quite some time and it so happened that this company had extended its resources to the point it was on the point of bankruptcy. I turned and came to Augusta, went to a department head and I started asking him about this outfit and they assured me they were Triple A. It so happened that I had a friend in New Hampshire who is a commissioner over there and he had assured me it wasn't Triple A, it was on the verge of bankruptcy.

I think we need a commissioner, and we need one riding herd on all of these agencies, and I don't think a banking commissioner should be wearing six hats. Let him run the banks, and let us have a commissioner over him looking over his shoulder and let him look over the insurance commissioners shoulder and these other departments, and let them get into gear and do a better job. It cost me about \$10,000 at a time when the bond market was bad and other markets were bad which I had to shift some business for other companies. Plus the policy holders in the State of Maine had to buy their policy on a higher price market. I want a commissioner riding herd on all of these departments and I want him to do a first rate job. I am not interested in saving any \$40,000 when it goes right back to the people on the street and they have to come up with the money.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I truly did not intend to get involved with this at all this morning, but I just think that I should relate a conversation that I had with Mr. Gelder which seems to run contrary with what Mr. Hinds said also. I met Mr. Gelder in the Legislative Research Office one day on another bill and we just happened to slide into the conversation of whether he was going to be the commissioner. He related to me that it had indeed been offered to him, that he did not want it and did not feel that he could do it and, in fact, seemed to feel that there was some conflict and it would certainly detract from the good job that he was trying to do in the banking department. Before we vote on this, on the basis of a supposed endorsement by Mr. Gelder, I think we want to check our facts on this because it is my understanding that he doesn't want the

job, doesn't feel that he can do it and, in fact, turned it down.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Over the past four years working on State Government and State reorganization, one of our biggest problems was combining the department of Business Regulation which united banking and insurance and we voted not to make that a department the first time, and then in the last session, we voted to have it as a department. My understanding at the time, the reason why banking and insurance were willing to come together, was that the commissioner not come from either department.

One session you have an understanding, the next session you change it, unquestionably this can occur because of new members and so forth but one would think that where these two departments did come together with this understanding that the commissioner be neutral, he doesn't come from insurance or come from banking, that you would vote for the indefinite postponement of this Bill.

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

Mrs. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to mention that Mr. Gelder appeared at the public hearing in favor of this bill.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, that the House indefinitely postpone Bill, "An Act Allowing a Bureau Chief in the Department of Business Regulation to Serve Simultaneously as the Commissioner" House Paper 1042, L. D. 1333. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bennett, Berry, P. P.; Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, DeVane, Dow, Drigotas, Farley, Fenlason, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hutchings, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kennedy, Laverty, LeBlanc, Lizotte, MacEachern, Mahany, Martin, A.; Maxwell, Mills, Mitchell, Morin, Nadeau, Najarian, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Raymond, Rideout, Rolde, Saunders, Silverman, Smith, Snow, Spencer, Sprowl, Strout, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Bagley, Berry, G. W.; Berube, Birt, Call, Conners, Cote, Curtis, Dam, Doak, Dudley, Durgin, Dyer, Farnham, Finemore, Garsoe, Gould, Gray, Higgins, Hinds, Hunter, Immonen, Kauffman, Kelleher, Kelley, Laffin, Leonard, Lewin, Lewis, Lovell, Lunt,

Lynch, Mackel, MacLeod, McBreairty, McKernan, McMahon, Miskavage, Morton, Palmer, Perkins, S.; Perkins, T.; Pierce, Quinn, Rollins, Shute, Snowe, Stubbs.

ABSENT — Faucher, Gauthier, Hewes, LaPointe, Littlefield, Martin, P; Mulkern. Yes, 95; No, 48; Absent, 7.

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I now move that we reconsider our action whereby this bill was indefinitely postponed, I hope you all vote against me.

The SPEAKER: The gentleman from York, Mr. Rolde, moves the House reconsider its action whereby this bill was indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

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

Sent up for concurrence.

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

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)

Tabled — May 2, by Mr. Pierce of Waterville.

Pending — Passage to be Engrossed.

Mr. Pierce of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-250) was read by the Clerk and adopted.

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

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

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

Tabled — May 2 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Engrossed.

Mr. Lynch of Livermore Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-252) was read by the Clerk.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I wonder, if through the Chair, I could ask that this be explained. It seems like an innocent little bill but it has been postponed for about a month.

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, poses a question through the Chair to any member of the House who may care to answer.

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

Mr. LYNCH: Mr. Speaker and Members of the Senate: I perhaps should have done this. There is a question raised by the Attorney General's Office as to whether law enforcement officers would have access to student records. Under the federal law passed in 1974, there was an amendment that did say that state and

local officials or authorities to which such information is specifically required can have access to student records. That is the reason there was a delay. The Attorney Generals are satisfied.

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

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

An Act Relating to Contracts of Teachers with Municipalities. (H. P. 1033) (L. D. 1339)

In the Senate — Passed to be Engrossed.

In the House — Passed to be enacted on April 25.

Tabled — May 2 by Mr. Carpenter of Houlton.

Pending — Motion of Mr. Gauthier of Sanford to reconsider Passage to be enacted.

On motion of Mr. Rolde of York retabled pending the motion of the gentleman from Sanford, Mr. Gauthier, to reconsider passage to be enacted and specially assigned for Thursday, May 8.

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

Bill "An Act to Increase the Minimum Wage to \$2.50 an Hour" (H. P. 148) (L. D. 173)

In House — Report "A" of the Committee on Labor accepted and a New Draft (H. P. 1520) (L. D. 1833) passed to be engrossed on April 23.

In Senate — Report "B" of the Committee on Labor accepted and a New Draft under New Title (H. P. 1521) (L. D. 1834) passed to be engrossed in non-concurrence.

Tabled — May 2 by Mr. Tierney of Durham.

Pending — Further Consideration.

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

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

House Report — "Leave to Withdraw" — Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Allow Seasonally-occupied Homes to be Taxed at a Special Rate. (H. P. 1034) (L. D. 1321)

Tabled — May 5 by Mr. Connolly of Portland.

Pending — Acceptance of report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the committee report. I would like to speak just briefly.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the House accept the committee report which was leave to withdraw.

The gentleman may proceed.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I don't want to get into this issue very much at this point but I would call to your attention the Editorial Page of the Bangor paper this morning and would hope that you would all have an opportunity to read it sometime today and I think that, at a later point, perhaps tomorrow, I will have more to say about it in relation to this bill.

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

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-243) Minority (4) "Ought to Pass" as amended by Committee Amendment "B" (H-244) Committee on Legal Affairs — on Bill "An Act Relating to Innkeepers, Victualers and Lodging Houses" (H. P. 1115) (L. D. 1406)

Tabled — May 5, by Mr. MacLeod of Bar Harbor.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I would move acceptance of the Minority "Ought to Pass" Report as amended by Committee Amendment "B" and would speak briefly to my motion.

The SPEAKER: The Gentleman from Bar Harbor, Mr. MacLeod, moves that the House accept Report "B" from the Committee on Legal Affairs.

The gentleman may proceed.

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: As a matter of information, this bill you have on the statutes now, a bill which covers fraud and damage to hotel property and removal of hotel property, what we have tried to do in this bill is to stiffen it up. The industry today is very vulnerable to fraud. There seems to be many people throughout our nation today that are picking on the innkeepers and their various places of business, hotels, motels, rooming houses and so forth. It is very difficult to catch up with them because they are very mobile and traveling all over the states. We have tried to write in this legislation a little stiffer penalty. Report "B" has made a few amendments, primarily, one: we had a request by the campground operators throughout the state to be included under this legislation and inadvertently they were left out so that this amendment "B" does include the campground operators.

Also in the bill, the industry feels that the Legislature of Maine would be very shortly requiring them to post their rates. As many of you know traveling throughout the United States and staying at various motels, hotels and so on, you will find their rates posted on the door, which is for your protection as well as the innkeeper. In other words, he would show a maximum rate that the room could be charged for and then would be vulnerable to, on your part, if he charged more than this. In Amendment "B" it has restricted it to the minimum rate only and requires the innkeeper to also list the rules and regulations of this legislation.

One other item that we have retained in the Committee Amendment "B" which I feel should be there, that Committee Amendment "A" had changed, was the penalty which at one time was classed as a misdemeanor. We would like to have it a felony and have a little stiffer penalty up to a certain amount. This would leave the courts at least a chance to put it to these people a little bit, which I think, as you know and I know today, that we are trying to get some laws written that will be deterrents to this type of thing. I, therefore, would ask your support of the Minority which is an "Ought to Pass" Report. It came out of the Labor Committee with a split report but both with an "Ought to Pass" situation. I would ask your support at this time.

The SPEAKER: The Chair recognizes

the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the singers of the Majority of Report "A" which differs, as the gentleman from Bar Harbor said, a little bit from Report "B".

Mainly, Report "A" reduces the penalty in the bill. The original bill calls for — increases the present law from \$100 to \$3,000, the fine, and from three months to three years, the penalty for anyone damaging property owned by a hotel or motel owner.

Another difference in Committee Amendment "A" from Committee Amendment "B" is that the majority of the committee felt that the hotel owners should, if they overcharge for a room, pay the person they overcharged at least three times the amount of the room charged. I think in Report "B", that was left out, and would probably benefit the motel owners a great deal.

I think it is a little stiff penalty for anyone committing fraud on the hotel or motel owner to be subject to a \$3,000 fine or a three year prison sentence. I would hope that the House would reject Report "B" and accept Report "A".

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: To put this in proper perspective with the recommended criminal code, if the fine structure remained as was in the original L.D., we would be dealing with a Class "D" crime, which is fraud under the fraud statutes and this could be any amount of money.

Referring back to the bill itself, this fine structure that we are talking about is to defraud the innkeeper of food, lodgings or accommodations, which in any event would certainly be in the area of a petty larceny or the equivalent of petty larceny. Therefore, I can not see making it a felony for an individual who attempts to defraud an innkeeper, either by acquiring food or lodging or accommodations, I think the misdemeanor would be much more appropriate. I, therefore, move the indefinite postponement of Committee Amendment "B".

The SPEAKER: The only way to get to that position would be to vote against adoption of the minority report and move for acceptance of the majority report.

The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I am not qualified to speak as to the legality or the law in this particular matter, but it would seem to me that the verbiage here in fraud by guest or customer of a fine of not more than \$3,000 or by imprisonment for not more than three years. I can't conceive of too many judges today in the State of Maine that over a \$50 defraud or theft of say a TV set or a piece of furniture or a picture that might be hanging on a restaurant wall, that probably they would enforce this to that degree, but I see no harm in having it there hanging over their head, at least this might be some sort of a deterrent.

You people have your heads in the sand if you don't think that there aren't some folks out there that are really going after the motel industry with their credit cards and their checks. For some reason, I got involved with this myself for the first time after eleven years in the industry and it is a nasty thing, really, and we are quite vulnerable. I would ask you to continue your support, please, for Report B.

The SPEAKER: The Chair recognizes

the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I can't see a \$3,000 fine or three years in jail for not paying your rent. I can't understand it and I cannot see any judge finding any man guilty. I have discussed this already with a judge and I was told that this man would never be found guilty if he defrauded by not paying his hotel bill — three years in jail for not paying your rent?

Mr. Shute of Stockton Springs requested a roll call.

The SPEAKER: In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor of a roll call will vote yes; those opposed will vote no.

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

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

Mr. HUGHES: Mr. Speaker, I would ask that the Committee Report be read, please?

Thereupon, the Report was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: There may be a misconception here between the difference of a misdemeanor and a felony. A misdemeanor is punishable by imprisonment for less than one year. A felony is criminal offense that is punishable by more than one year or in Maine State Prison. It does not matter what the individual is sentenced to; it is what the law requires as a maximum sentence as to whether it be a felony or a misdemeanor. By making this an imprisonment for three years, that would mean Maine State Prison time and it would be a felony. Let me point out that if you adopt that fine structure, imprisonment structure, you are making it a much more greater penalty for them to attempt to defraud the innkeeper than you are to go in and wreck his room. The penalty on the next page of the L. D. for the destruction of the property, disorderly conduct, etc., is a \$1,000 and eleven months imprisonment.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bar Harbor, Mr. MacLeod, that the House accept the Minority "Ought to pass" Report. If you are in favor of the Minority "Ought to pass" Report, you will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bagley, Berube, Byers, Call, Carey, Churchill, Connors, Curran, R.; Curtis, Dam, DeVane, Doak, Dudley, Durgin, Dyer, Fenlason, Fraser, Garsoe, Gauthier, Gould, Gray, Hall, Hennessey, Higgins, Immonen, Jalbert, Kauffman, Kelley, Laffin, LaPointe, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacLeod, Martin, A.; McBreairty, McKernan, McMahan, Miskavage, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Rideout, Rollins, Saunders, Silverman, Snowe, Stubbs, Theriault, Twitchell, Tyndale.

NAY — Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Birt, Boudreau, Bowie, Burns, Bustin, Carpenter, Carroll, Carter, Chonko, Clark, Cooney, Cox, Curran, P.;

Davies, Dow, Drigotas, Farnham, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kany, Kelleher, Kennedy, Laverty, MacEachern, Mackel, Mahany, Maxwell, Mills, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Post, Quinn, Raymond, Rolde, Shute, Smith, Snow, Spencer, Sprowl, Strout, Susi, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Truman, Usher, Wagner, Wilfong, Winship.

ABSENT — Blodgett, Connolly, Cote, Farley, Faucher, Hewes, Hinds, Littlefield, Martin, R.; Peterson, T.

Yes, 64; No, 75; Absent, 10.

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

Thereupon, the Majority "Ought to pass" Report was accepted, and the Bill read once. Committee Amendment "A" was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

House Divided Report — Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-238) — Minority (5) "Ought Not to Pass" — Committee on Taxation on Bill "An Act to Remove the Inheritance Tax Exemption for Life Insurance Proceeds in Excess of \$50,000 and to Increase the Inheritance Tax Exemption for Husbands and Wives" (H. P. 557) (L. D. 686)

Tabled — May 5 by Mr. Drigotas of Auburn

Pending — Acceptance of either Report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Majority "Ought to pass" Report.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think the results of this morning's vote show that I have got two strikes against me and I hope I don't strike out this time.

I am opposed to this bill and it really doesn't affect me, but what it seems to do, or at least it seems that way to me, it means that if someone leaves over \$25,000 of life insurance that that life insurance is going to be taxed.

All of us, before we buy life insurance, we have bought it out of our gross income, which has already paid a heavy tax, the insurance companies are taxed on the premium they collect from us, which adds to the cost of our premiums, and why do we buy life insurance? We buy it hoping to protect our wife and children, while they are children, and after they have grown up and are on their own, most of us would like to think we leave enough in the form of insurance so that our wife does become a charity case.

Originally, the bill called for an exemption of at least \$50,000 of life insurance and the committee in its infinite wisdom, which I question the word wisdom, has reduced this figure to \$25,000. And actually, this isn't much insurance. Now, I don't have or own much insurance today, but when I had five little fellows

kicking around the house, I had a policy that was worth over \$50,000 but all but \$10,000 of it was term insurance, which gradually expired as the children got older. I thought I was being a responsible individual at the time, trying to protect my family, but under this bill, if something had happened to me then, the state Tax Assessor would have gotten it, or inheritance tax would have taxed it anyway. I think you ought to think this over, this is a new step for Maine to be taking and I believe seriously it is a wrong, wrong step to take at this time.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise first to find myself siding with the gentleman from Hampden, which is a novelty in the morning. The second reason I rise is that I have trouble enough keeping the taxes down while I am living, I would hate to pass something to pass on taxes after I die.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very good bill for two reasons. One, it raises the present tax exemptions from their present level, the inheritance tax, and it includes for the first time an inheritance tax on life insurance proceeds.

For those of you who are familiar with something we have called a priority list, the idea to tax life insurance proceeds was put forward as a fair and just method to raise additional revenue to fund some needed programs that required more money. Actually, there is a great injustice in taxing property under the inheritance tax and not taxing life insurance which is worth just as much.

If a man dies and leaves his widow a house and property worth \$30,000, all but \$15,000 of that now is subject to an inheritance tax. If another man, who owns no property dies and leaves his widow \$30,000 in life insurance, none of that is subject to an inheritance tax. I think this is clearly unfair, especially to older Maine people who are more likely to have invested their money in land, and because Maine and its people are poor, the thought of a \$100,000 life insurance policy going untaxed while a \$30,000 home is taxed on one half of its value is not really very equitable. I urge you to support this bill.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe that life insurance policies should be taxed. Oftentimes policies of this type are bought with the intention of paying an inheritance tax or paying off a mortgage and in the case of paying off a mortgage, there will be an inheritance tax paid on the property, so there shouldn't also be one paid on the insurance to cover that inheritance tax on that property. Also, in case of an inheritance tax, you would be paying both on inheritance tax and also on the insurance policy.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I reluctantly differ with the gentlewoman from Portland, Mrs. Najarian. I think one of the problems with this which has not been addressed at this point is the fact that it would apparently tax the face value of life insurance. There is a substantial

difference between the face value of life insurance, very often, and its cash value. One of the reasons why those of us with large families buy life insurance is because we are not able to build a sizable estate in terms of stocks and bonds, savings, real estate and other property. The amount of the cash value before death of a life insurance policy represents true value and the amount of investment and really the amount of savings, which the owner of the policy has put into it. If this were considered taxable, I would find the bill much more agreeable, but it seems to me now that it is unfair in that it taxes those who are unable to build a large estate or estates which will preserve their families through ordinary savings through purchases of stocks and bonds and other assets of this type but who have to take the route of life insurance in order to assure their family of a reasonable status. Therefore, I would oppose the passage of this legislation.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would make one brief point and that is, there are many, many people in the State of Maine, there are small corporations, small partnerships, who have purchased life insurance in anticipation of the future and I think to a degree we are changing the rules here in midstream. They have projected what they want their families to have if something should happen to them. In the case of small partnerships or one partner should die, often the other partner holds life insurance on the other partners so that he can buy out the partnership and, in this case, we would be changing the rules in midstream. The amounts that they have allowed for this was suddenly altered by the taxation on this and I think this would be a very unfair situation.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: Now that the good lady from Portland has said that this is a good bill, I dare to get up and say it is my bill.

There are two paths to the bill. One, as you know, is to tax life insurance, and I knew that there would be a lot of opposition to this. The other part of the bill is to extend the exemption, which has already been said, from \$15,000 to \$20,000 on any inheritance tax. Now, I feel very strongly that people are better able to pay a tax on a \$25,000 life insurance policy than they are on any property over \$15,000.

I hope that you will support the majority report and the motion made by Mr. Susi.

The SPEAKER: The Chair recognizes the gentlewoman from Machias, Mrs. Kelley.

Mrs. KELLEY: Mr. Speaker and Members of the House: As a widow, I think this would be a very unfair bill for widows to have to have this insurance tax. I move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentlewoman from Machias Mrs. Kelley moves that this bill and all its accompanying reports be indefinitely postponed.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I see problems

here. If a person has taken out a substantial life insurance policy at a younger age and now finds the rules of the game has changed and he desires to provide his family with the same amount of protection, he is going to pay an extremely high rate to take out another policy this late in the game.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to concur with the gentleman from Yarmouth, Mr. Jackson, and the gentleman, Mr. Lynch, on the points that they bring up and I would like to expand on these points.

First of all, when life insurance is purchased, it is usually purchased with the understanding that there are no taxes involved, and I would like to call your attention to Section II, of Article I of the Constitution and it reads: "The Legislature shall pass no bill or attainder, ex post facto law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate," and if you pass this bill, you are in fact going contrary to Section 11 of the Constitution. I would hope you would support the motion to indefinitely postpone.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I stand on this one knowing that it is something like running your head into a buzz saw, but I think its time to talk about life insurance here and in Congress and everywhere.

First off, there was a question raised by the gentleman from Falmouth, Mr. Snow, about face value versus proceeds or cash value and I would be happy to talk with you later about this but it is, I'm sure, proceeds that would actually be involved on it.

The present law exempts all life insurance and \$15,000 of any other estate. If this were enacted as amended, the first \$25,000 of life insurance proceeds would be exempted but the amount exempted on other estates would go up \$15,000 to \$20,000. This would be a real gain for Maine people, \$15,000 exemption, that's an extremely small estate in times of inflation. I think it would be a real help to Maine people if we could give them this little bit. There is no cost to the state. By being able to pick up the proceeds over \$25,000 on life insurance, we would have enough to give everyone \$5,000 more exemption more on their total estate.

At the hearing on this bill which was heard in Taxation, a principal proponent for the bill was Senator Collins whose chief activities as an attorney are in the field of estates. He spoke at length and with considerable understanding of the problem and very forcibly in favor of this bill. In the course of his testimony, he gave us a couple of instances. In one instance, a widow who has no life insurance in her estate, of a \$40,000 estate coming due here, there would be a \$500 tax. Another widow who has \$165,000 in life insurance, there would be no tax either at the state or the federal level and this situation is just as deplorable on the federal level as it is on the state level. Life insurance companies have been extremely active and extremely successful in getting legislation in favor of their product.

It was further testified at the hearing that the state lawyers are channeling greater and greater proportions of the estate's funds to life insurance just

because of the tax exempt status of these proceeds, and I think that we should mention at this time, too, that like most tax advantages, these accrue mainly to people who have usually sizeable amounts of liquid assets. The average person who has his money tied up in a home and perhaps a very modest savings account just doesn't have the liquid assets to avail himself of the advantages which accrue to life insurance under our present law, both here and in Washington.

What we're in here this morning is a situation which has been the result of many, many decades of very excellent public relations in behalf of the life insurance industry. Perhaps some of you saw last night what I thought was an excellent program on television. It was the annual migration of the Wildebeest over the Serengetti Plains, and if you ever have a chance to see it, in case you didn't see it, I would recommend it to you. It was just a beautiful production and it was put on for a period of one hour by the Life Insurance Institute and I would recommend the commercials too. They were just as excellent — in fact, they just blended right into the production. There were the very lovable old folks and the very lovable children and the very lovable life insurance agent arriving in the nick of time with a very lovable check and, you know, you live in this your whole lifetime and gee, its pretty hard to break with the attitudes that you collect.

I would like to point out one thing to you, the real hard business that this is. You know the scandal we had down here in Washington recently. I don't think it's any coincidence that the principal donor in certain political campaigns was an Irving Stone from Chicago, I think he is from and two or three million dollars or some obscene amount that he contributed to political campaigns in one campaign. It raises a very practical question, why? I always mistrust these types of people who during a very short lifetime can crank up tens and hundreds of millions of dollars in an estate for themselves. You get to recognize they are quite practical people and why would a person donate two or three million dollars to a campaign except to maintain the advantage that he has?

He has in his life insurance company an exemption which is saleable. His salesman can go to people and will say "I will sell you a piece of exemption. We have enough political beef so that we got this exemption. You can't have it unless you give us a pound of flesh." Now, a family that has an estate that is tied up in a savings account or in a home or whatever other assets, they got to pay. We tag it right to them, but if you take and convert this to life insurance, and pay the life insurance industry 20 percent or 30 percent, or 40 percent, then you're home free. You don't have to pay taxes and we all hate taxes, so life insurance is a very saleable commodity; and these, there was more than one by the way, a state lawyer who testified, and they said they feel very uneasy about recommending, in effect, a tax dodge for these people when they come and they wish it weren't so, but they have to do it as a practical matter.

I know that through the years life insurance has taken on many of the attributes of motherhood and for me to stand here today and talk as I am is something like breaking the news to you that mother smokes marijuana — the messenger isn't very welcome and you don't want any part of the message, but I

do think that it's going to change just because it isn't right. Maybe it will take two or four or six to eight years, or whatever, but I think we have to tell the story and get acquainted with what the facts are on this issue and to quote a local politician, "Think About It."

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: Very briefly, I enjoyed all the dissertation this morning. I am not nor never have been employed by a life insurance company and I don't sell life insurance. I read this original bill and I see the formation of probably a pretty good idea, \$50,000 and to bring the other exemption up to \$30,000 probably was a good, good idea and I don't question the intent of the gentleman who put it in, and then it went to committee. Of course, on the footnote of the original bill there was about a \$900,000 loss to the general fund revenue and the gentleman and ladies in the committee who heard it, in their wisdom realized the impracticality of that but here was an opportunity to go after another one of our foundations and another one of our major businesses and in order to do that, why they would have to cut it back so they amended it, and now instead of accomplishing the purpose I submit that they intended, they simply hit at the poor middle income American or State-of-Mainer who have put their money in good faith trying to build a little estate for their wives and their families over the height of their life, put a little money away to protect them in case they die.

I sympathize, I really sympathize with the intent of this committee, but they're really and truthfully hurting severely the very people they are trying to help. So I hope you will go along this morning with the indefinite postponement of this bill.

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

Mr. CARTER: Mr. Speaker, Ladies and gentlemen of the House. Just two quick points. Number one, I take issue with the good Representative from Pittsfield, Representative Susi, when he would lead us to believe that there is no tax on life insurance proceeds. I submit to you that there is a federal estate tax once you reach \$60,000.

The other point is that if we do pass this bill, we are in fact increasing the size of the estate through legislation, and it is my understanding that lawyers derive their fees on the size of an estate, on a percentage basis, and if we increase the size of the estate, we are increasing lawyer's fees. Aside from that, I think the bill is unconstitutional.

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

Mrs. NAJARIAN: Mr. Speaker, and Members of the House: It is my understanding that when a state taxes life insurance proceeds, that amount is deductible from the amount they have to pay the federal government, so they couldn't be paying it twice. Instead, the State of Maine would get it instead of the federal government getting this money.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I feel rather uneasy in view of the fact that Representative Susi has made some

remarks concerning estate planning lawyers who have appeared before the committee recommending this legislation.

I find it very difficult that estate planning lawyers would appear in support of a measure of this sort where, in effect, it does away with some sort of an advantage to their clients. So I ask myself, just why would they do this? And I can only conclude that possibly one reason is, as has been suggested by a previous speaker, that their fee schedule is based, or has in the past, been based upon the gross taxable estate. Therefore, if we pass this bill, the gross taxable estate would inevitably be increased substantially, and by that substantial increase in the past, and I emphasize the past, because the Bar Association is beginning to recognize the faults with this sort of system, and has made some changes which will go into effect in the very near future, but that increase would amount to substantial increases in terms of attorneys' fees. I don't know whether it's true or not, but I would only be inclined to think that perhaps that is why some of the attorneys may have testified before this bill.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I was just reading the legislative record of May 2 and it refers to an act "Creating the Dickey-Lincoln Power Authority". Now, I realize that is not relevant to this discussion but I bring it up not only because I think it is humorous (I know there are some people who would like to see the Authority created) but because I think its just about as irrelevant as the remarks as the gentleman from Pittsfield, Mr. Susi, has made about Mr. Stone from Chicago, his donations and the activities of the insurance lobby and that sort of thing. It seems to me that we are not talking about those things. We are talking about taking away money from people at a time in their life when they probably need it more than they may ever need it again.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I was on the committee of this bill, so I think I should say a little something. I don't care too much for life insurance because you have to die to win, you can't count your own money after you get it and I don't care for that.

But I would like to say this morning that the gentleman, Mr. Lynch from Livermore Falls, had mentioned that there haven't been too many changes or something to that effect, I would apologize for speaking incorrectly. I remember when we bought life insurance back in 1941. At that time, all gains from life insurance policies was free of tax, but when we went to tax that up later in the sixties or seventies, we find that any gain from life insurance policies has to be paid, not at long-term gain, at regular income. So life insurance hasn't turned out so well.

I also find in listening to the gentleman from Hampden, Mr. Farnham, on some of the processes he mentioned, that today when you buy long-term insurance, you are throwing away your money. You might just as well keep up your social security at today's rates and your family will receive more money than they can from long-term insurance and you do have a comeback, you have a value to get some money back, but long-term, once it expires you've lost

all of it. In this here, in the committee we come out with \$25,000. I can't see why one estate is more valuable to the people left behind than the other, and I can't see why if you're going to tax income dwelling, or you're going to tax money in the bank, the savings bank, why not tax life insurance?

Life insurance has not all been rosy. You have a life insurance policy today that matures, if it is an endowment or if it is a thirty-year term life insurance or thirty-year life insurance or anything, you immediately start drawing the whole sum of about 3¼ to 4¼ percent interest, so if it becomes matured and you want to leave some money for your widow or someone else in your family or your children, it's much better to draw that out, pay the tax on it and invest it at this new interest, 6½ or 7 per cent interest. It is all not as rosy as it looks, and I hope this morning you will go along with this bill.

I like what Mr. Susi from Pittsfield has said. I think it was good sound judgment. I like what Mrs. Najarian of Portland has said. I think it was good sound judgment, and I doubt if there is 10 percent of people in this House today that's got insurance enough to be affected by this, because insurance today isn't as big as it sounds.

I know probably I was one of the youngest life insurance salesmen in the state of Maine. I had a license before I was 21 years old, which was very rare, and life insurance at that time was bought for protection because we didn't have social security, but today life insurance isn't as much of a necessity as it used to be.

Mr. Rolde of York requested a roll call vote.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: As another member of the Taxation Committee who signed the majority "ought to pass" report, I don't feel that I can sit here and leave Mr. Susi all by himself. I don't want people to have the idea that Mr. Susi is the only one and obviously you already know that, since Finemore has spoken in favor of this.

A couple of points I would like to make. One point is that perhaps has not been clearly brought out is that with your combination — according to this bill — with your combination of \$20,000 exemption for other types of property, plus your \$25,000 exemption for life insurance, you do have a total exemption of \$45,000 of your inherited property. I also would like to take a little issue with the statement that has been made that it is probably unconstitutional. I do not believe that these insurance policies in the body of the policy guarantee that this policy is tax free. It would seem to me that such a contract would preempt the legislative power to make laws so I really don't think that this argument that it is unconstitutional would hold water.

I simply want to say, in addition to this, that I stand by my signature on the bill of "Ought to pass".

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I truly did not intend to speak on this measure but I do hope that before we vote, we will pay heed to the remarks of the gentleman from Brewer, Mr. Norris. I think that perhaps whatever merit this bill might have had, originally, have been shot by the Committee Amendment, which effectively

destroys two good parts of the bill. It seems very clear to me that if we pass this amendment we are, in effect, hurting the people who need it the most right now and certainly we could increase the exemption to widows and I think it should be done in view of the inflationary spiral we have had in the past few years, but certainly to cut down \$25,000 on a life insurance which would be exempt seems a little bit ridiculous in this day and age. I hope that we do indefinitely postpone this measure.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman of Machias, Mrs. Kelley, that the House indefinitely postpone Bill, "An Act to Remove the Inheritance Tax Exemption for Life Insurance Proceeds in Excess of \$50,000 and Increase the Inheritance Tax for Husbands and Wives" House Paper 557, L. D. 686. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Bustin, Byers, Call, Carter, Chonko, Churchill, Clark, Connors, Curran, P.; Curran, R.; Dam, DeVane, Dow, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Fraser, Garsoe, Gould, Greenlaw, Hennessey, Higgins, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; McBreairty, McKernan, McMahon, Mills, Miskavage, Morin, Morton, Nadeau, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rideout, Rollins, Snow, Snowe, Spencer, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Walker, Webber.

NAY — Blodgett, Burns, Carpenter, Cooney, Cox, Curtis, Davies, Drigotas, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Hall, Henderson, Hobbins, Hughes, Maxwell, Mitchell, Mulhern, Najarian, Peterson, T.; Post, Powell, Quinn, Rolde, Saunders, Smith, Sprowl, Susi, Talbot, Tierney, Truman, Twitchell, Usher, Wagner, Wilfong, Winship.

ABSENT — Carey, Carroll, Connolly, Cote, Doak, Faucher, Gauthier, Hewes, LaPointe, Littlefield, Martin, R.; Shute, Silverman, Strout, Tyndale.

Yes, 96; No, 38; Absent, 16.

The SPEAKER: Ninety-six having voted in the affirmative, thirty-eight in the negative, with sixteen being absent, the motion does prevail.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move reconsideration and urge you to vote against me.

The SPEAKER: The gentleman from Wayne, Mr. Ault, moves the House reconsider its action whereby this bill was indefinitely postponed. All in favor of that

motion will say yes; those opposed will say no.

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

Sent up for concurrence.

#### (Off Record Remarks)

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: In the light of the remarks made by the gentleman from Woolwich, Mr. Leonard, I thought it would be an appropriate time that I put the record straight on another matter. One day last week, a number of legislators went to a meeting in Bar Harbor. On Saturday in the Bangor Daily News there appeared an article reporting about this meeting and the number of legislators who went. They did say, and the article was written by a Maureen Williams, and I wanted to take note of this, that among those present was Representative Linwood E. Palmer Jr. of Nobleboro, who introduced L. D. 1994 into the Legislature, and who was a member of the commission who studied it. I just want to make one point perfectly clear. I am not now nor have I ever been the father of this child. While I admit to having been present at the time of its birth, and while I also admit to several times since its birth in its formative years trying to help it to become something else other than a juvenile delinquent, I really am not and had nothing to do with its birth. I will tell you this though, in the light of yesterday's meeting, that I do dedicate myself to make sure that the child does grow up to be a responsible citizen.

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

An Act to Repeal Certain Tax Exemptions (H. P. 650) (L. D. 802)

Tabled — May 5 by Mr. Greenlaw of Stonington.

Pending — Enactment.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, several of us raised a question about what this bill would attempt to do. Just very briefly, I would like to indicate to you that I think the objections that I had, have been clarified. Basically, what it does, it repeals a section of the law which does not set any standards for assessors to follow. Secondly, I believe, the Statement of Fact is misleading that it refers to general assistance administrators. Thirdly, the second paragraph of Chapter 841, Title 36 does, in fact, spell out the standards for assessors and tax collectors to follow in abating taxes of indigent persons. As it appeared from the Statement of Fact, it does not take any power away from the assessors or tax collectors of local towns.

I appreciate the Houses indulgence in tabling this a day and I now would move for enactment of this bill.

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

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

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)

Tabled — May 5 by Mr. Conners of Franklin.

Pending — Passage to be Engrossed.

Mr. Conners of Franklin offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-251) was read by the Clerk and adopted.

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed.

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

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

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

Tabled — May 5 by Mr. Palmer of Nobleboro

Pending — Passage to be Enacted.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that Mr. Palmer was going to ask for somewhat of an explanation of this bill and he isn't in his seat.

On motion of Mr. Peterson of Windham, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the twelfth table 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 — May 5 by Mr. Dam of Skowhegan.

Pending — Passage to be Engrossed.

On motion of Mr. Carter of Winslow, retabled pending passage to be engrossed and specially assigned for Thursday, May 8.

The Chair laid before the House the thirteenth 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 — May 5 by Mr. Rolde of York

Pending — Motion of Mr. Carey of Waterville to reconsider passage to be engrossed.

Thereupon, the House voted to reconsider its action whereby this Bill was passed to be engrossed.

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

The following papers were taken up out of order by unanimous consent:

Bill, "An Act to Increase Borrowing Capacity of Topsham Sewer District" (Emergency) (H. P. 1568) (Presented by Mrs. Chonko of Topsham) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

Bill, "An Act to Require the Filing of Estimated Income Tax Returns by

Corporations" (H. P. 1569) (Presented by Mr. Drigotas of Auburn) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature" (H. P. 1510) (L. D. 1827) which was passed to be engrossed in the House on April 23.

Comes from the Senate passed to be engrossed as amended by Senate Amendment "D" (S-108) in non-concurrence.

Tabled — by Mrs. Najarian

Pending — Further consideration

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

On the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Sales Tax Interest and Penalties," House Paper 1550, L. D. 1867, the Chair appointed the following Conferees on the part of the House:

MAXWELL of Jay  
TWITCHELL of Norway  
MORTON of Farmington

(Off Record Remarks)

On motion of Mr. Bowie of Gardiner, Adjourned until nine o'clock tomorrow morning.