

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 15, 1975

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

Prayer by Representative Nancy Clark of Freeport.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication:

THE SENATE OF MAINE
AUGUSTA

May 14, 1975

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

Dear Mr. Pert:

The Governor having returned: Bill, An Act Relating to Specially Designed Registration Plates for the Maine National Guard. (H. P. 733) (L. D. 909)

together with his objections to the same. The Senate proceeded to vote on the question: Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a yea and nay vote was taken. 16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Bill accordingly failed to become law, and the veto was sustained.

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 14, 1975

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 Providing for the Observance of Memorial Day on May 30th" (S. P. 371) (L. D. 1198).

The Senate also voted to Insist and Join in a Committee of Conference on Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers" (H. P. 991) (L. D. 1225)

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

May 14, 1975

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

Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it accepted the Majority "Ought Not to Pass" report on Bill, "An Act to Equalize the Retail Price of Alcoholic Beverages Throughout the State" (H. P. 403) (L. D. 492).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees

Leave to Withdraw

Committee on State Government reporting Leave to Withdraw on Bill "An Act Relating to Employment Registers in the Department of Personnel" (S. P. 446) (L. D. 1507)

Committee on State Government reporting Leave to Withdraw on Bill "An Act to Provide for Election of Commissioners to the Public Utilities Commission" (S. P. 470) (L. D. 1604)

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 Designating Family Day Care as a Priority Social Service" (H. P. 1207) (L. D. 1500) on which the Minority "Ought to Pass" Report of the Committee on Human Resources was read and accepted and the Bill passed to be engrossed in the House on May 13.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Human Resources read and accepted in non-concurrence.

In the House: On motion of Mr. Rolde of York, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to the Valuation of Farmland" (H. P. 550) (L. D. 678) which was indefinitely postponed in the House on May 5.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-237) as amended by Senate Amendment "A" (S-144), thereto, in non-concurrence.

In the House:

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

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I know that the gentleman from Bridgewater, Mr. Finemore, was concerned about the level of commodities required in order to be eligible for benefits under this. It was \$2,000 and it is now amended down to \$1,000, which meets his objections, so he now apparently would go along with the bill. My objection to the bill in the beginning and still is that, in my opinion, it is not possible to administer it within any reasonable cost.

If you remember, the contents of the bill provided that in establishing whether or not the property would be eligible for assessment as farmland rather than development land, it would be based on the decision as to whether it was, in fact, used for farming, and this bill would allow the residents on the property to credit anything that they consumed themselves in determining the productivity of this land. I contend and I still believe, and I think I shall always believe that it is an impractical thing to ask our assessors to go around checking on how much people eat off the ground they live on.

I don't like to be any part of seeing a bill go through here which we know is impossible to administer, and I consider this bill as such a bill, and I hope you would vote against recede and concur and hope that we could insist.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: One statement that Mr. Susi has made, I think he could have gone a little further on it, but maybe he didn't want to, but this only has been, up until this year, and it never became a law, it only has been \$1,000. That is all you had to raise and pass along.

When this bill originally came out, it came out with \$2,000; it was amended up to \$2,000, which I objected to. Mr. Susi, the way he is wording it, he is almost making you believe it has been \$2,000. It has not; it has been \$1,000. So all we have done here is amend it back to the original bill, with the exception of putting on the \$1,000 that is raised for food to use for yourself.

If you raise two beef on that land and you take them to the slaughter house and have them slaughtered, it is no trouble to prove, because they will give you a weight slip on those two beef, and those two beef today, with today's prices, it would come up to probably to \$600 or \$700. This is quite a help to the farmer.

He says about the assessors, and I think this is a very unfair remark, because today, what we are working on, I hope you all realize in this House what we are working on, it is people who are trying to stay on farms. These farms probably have been in the family for two or three generations, and here you are now, just because they are old people, maybe reaching the age of 55 or 60, 65 or 70, they are trying to stay on that farm and pay their taxes. If they go into zoning or anything like that, as Mr. Susi has said, the taxes immediately are not doubled or tripled, but maybe four or five times as high. They are forcing them off them. I wonder if that is what we want to do.

But if they can raise \$1,000 worth of stuff and sell it, or even cut a thousand dollars worth of pulpwood off that farm, or cedar or anything, they can sell it, bring a slip in and the proof is there. But if they consume this and eat it in their family, the vegetables or whatever it may be out of their garden, then the burden of proof is on them, so they have got to prove it.

I think this morning we would be doing a very — and I am sincere — I think we would be doing a great harm to these people who are trying to stay on these farms. I don't believe that anyone that has been on that farm, maybe someone purchased a farm for the possibility of it coming up in value, but the ones who are living there, and that is 90 percent of them or more, the ones that are trying to stay on these farms are people who have had them generation after generation. So I hope this morning you will go along with the recede and concur.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I concur completely with the remarks of the gentleman from Bridgewater, Mr. Finemore. I understand the questions that the gentleman from Pittsfield has, Mr. Susi, on this particular piece of legislation, but I rally think we ought to reappraise the situation and look at our home towns where we come from and the kinds of people who live on the land. I happen to be a resident of Windham. It is in the southern part of the state. We had a tremendous building boom until the economic problems beset the

country, and a lot of older citizens were forced to sell their property to people who had money and it was usually urban people coming out or people from out of state, and these people were forced to sell their land and move into the city in a housing development. For some people, these are good, but people who have lived on the land all their lives, I think it is a crime to make them move.

The basic concept that is changed is to allow them to credit what they consume, and this would be to allow them, in other words, the retail price. If they had a cow and it produced so much milk, they could get the \$1.58 or \$1.60, whatever it is at present, and credit that towards this \$1,000 figure, which they then could petition the community and ask that they be given a property tax rebate, not an exemption and not a rebate, but a lower property tax rate. This will help them keep their farms and it is not only that, it will help this state keep open land. This is the principle behind the bill. It will help keep land open, and that is what we want to do. We don't want to develop every usable piece of farm land, because if we do, we won't be able to produce the food that we need.

I know it seems like it would be an administrative nightmare, but I really don't think so, because the burden is on the person who wants that exemption, and they are going to have to petition the town and they are going to have to present evidence that they have consumed, not only consumed but sold enough produce off that property to reach that \$1,000 figure.

Right now, they have to sell produce, and when you sell it, you get the wholesale price. You know, for a gallon of milk, what is the wholesale price? It is not very much. But if we allow people to credit the retail price for what they consume, it helps them get up there pretty quick.

I think we want to keep lands open. This isn't only just for farmers; it is for young subsistence people who are trying to go back to the land and want to keep this land open. So I hope you would recede and concur.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This was my bill, and I would feel a little remiss if I didn't say something on behalf of it. I wholeheartedly agree with Mr. Peterson and Mr. Finemore. The only people that are opposed to this are the developers or anyone in business that is possibly in hopes of forcing some of these little farmers to sell their farms and develop them into housing developments.

Every farm organization in the state is in support of this, and if this bill doesn't pass to relieve them somewhat this time, the next session of the legislature, every farm organization in the State of Maine is going to write letters and be here in full force. If they had known it this time, the Organic Farmers Association and the Farm Bureau would have packed that room with proponents of this bill.

What little bit this bill does, they are very deserving of it. These people have farmed these lands and are trying to hang onto them and they are just forcing them off because they are taxing them for the highest potential value, which is house lot acreage, and this shouldn't be. I hope that everyone will go along and support Mr. Finemore's action.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I certainly got some different signals from the farm organization than the gentleman from Orland, Mr. Churchill. I got the impression that genuine farmers were opposed to this particular bill because it was prostituting their profession. After all, the whole story here is that these aren't farmers that are going to benefit from this, because farmers qualify under the law at the present time. What you are going to do here is qualify the fellow that is an accountant downtown that has got a gentleman farm and all of a sudden he is going to be able to qualify this for tax reductions, it is going to be a great thing to reduce the tax base of the communities but it sure as heck isn't for genuine farmers. If these people are going to be able to get retail credits for the produce they put out on these farms, that is certainly a lot better than the genuine farmer who is selling his things at wholesale.

It is completely different from the way I understood it and I don't feel any certainty; this morning that the farm people support this. In fact, it was my impression and I got the information that they did not support it. I certainly would like to have an opportunity to check that out. I think this is very bad legislation from the tax standpoint and very bad legislation from the standpoint of the genuine farmer.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: To me, it doesn't matter whether the farmer is a gentleman farmer or a subsistence farmer or a so-called genuine farmer. I am a little unclear as to just what a genuine farmer is. My reason for favoring this is not to qualify someone as a genuine farmer or a gentleman farmer but to qualify land as farmland. Now to me, if land is producing food or produce it is farmland whether it is owned or operated by a so-called genuine farmer, a gentleman farmer, a subsistence farmer or elderly couple who have been farmers under what some people might call genuine farmers are now only able to raise a garden, perhaps keep a cow or two but are still using this land to produce produce.

To me, the chief purpose of this, as I have indicated, is not to qualify someone as a farmer but to qualify land as farmland so that it can receive a lower tax rate and thereby relieve this pressure on it to be developed. When you value this land as development land, you are almost automatically insuring that it will be developed. No subsistence farmer or young person who is supporting a family or no elderly couple on retirement income is going to be able to keep this open land and pay development taxes on it, taxes on development land.

To me, it is important to the state in maintaining the nature of our state that we keep this land open and this provides a little more liberal mechanism for doing this. I, for one, don't like to see this open land, especially on the coast, being forced onto the market as development land, usually bought by out-of-state developers or out-of-state people, who may or may not keep this open land, depending on whether they can afford to pay the taxes or not. I believe it is to the good of the state that we encourage the keeping of this land as open land. I support the motion of the gentleman from Bridgewater, Mr. Finemore, that the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I support the position of the gentleman from Windham, Representative Peterson, and the gentleman from Brewer, Representative Cox. The validity of keeping this portion of farmland as open space land is important and I support the motion.

Mr. Doak of Rangeley requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House recede and concur on Bill, "An Act Relating to the Valuation of Farmland," House Paper 1550, L. D. 678. 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, Burns, Bustin, Byers, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Doak, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hughes, Hunter, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, MacEachern, Mackel, MacLeod, Martin, A.; Maxwell, McBrearty, McKernan, McMahan, Mills, Mitchell, Morin, Nadeau, Najarian, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship.

NAY — Carey, Dow, Drigotas, Fraser, Garsoe, Gauthier, Gould, Hinds, Immonen, Leonard, Lynch, Mahany, Morton, Pierce, Saunders, Stubbs, Susi.

ABSENT — Blodgett, Carter, Connolly, DeVane, Faucher, Hobbins, Hutchings, Kelley, LaPointe, Lunt, Martin, R.; Miskavage, Mulkern, Norris, Peakes, Tierney.

Yes, 116; No, 17; Absent, 16.

The SPEAKER: One hundred and sixteen having voted in the affirmative and seventeen in the negative, with sixteen being absent, the motion does prevail.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Having voted on the prevailing side, I now move we reconsider our action on L. D. 678 and I hope you vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House reconsider its action whereby the House voted to recede and concur. All in favor of that motion will say yes; those opposed will say nay.

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

Orders

Mr. Cote of Lewiston presented the following Joint Order and moved its passage: (H. P. 1586)

WHEREAS, there has been widespread interest in this State in the question of whether or not to permit state-regulated casino gambling within Maine; and

WHEREAS, it has been estimated that casino gambling in Maine, if properly regulated and taxed, could result in an increase in revenues to the State of up to \$100,000,000; and

WHEREAS, the subjects of the proper forms of regulation and of taxation of casino gambling; of the advantages and disadvantages of state ownership of casinos versus private ownership; and of the geographical limitation of casino gambling to one portion of the State demand careful investigation and study; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Legal Affairs, to study the desirability and feasibility of establishing some form of state-regulated casino gambling in this State and of state operation or taxation of that gambling, with special study to be devoted to proposals advanced in the State of New Jersey; and be it further

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

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

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

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1590)

WHEREAS, the Legislature, much like a book, cannot be considered complete without pages; and

WHEREAS, it is common knowledge that the Legislature of this State operates as well as it does because of the swift, cheerful and efficient service of the pages of the House and Senate; and

WHEREAS, the week of May 11th through May 17th has been declared the "First Annual Pages' Week," with the slogan of "Take a Page to Lunch Today;" now, therefore, be it

ORDERED, the Senate concurring, that our membership hereby recognizes the hard work and constant dedication of the House and Senate pages of the One Hundred and Seventh Legislature and takes this opportunity to declare its support of the First Annual Pages' Week and of its slogan; and be it further

ORDERED, that a suitable copy of this Order be sent by the Clerk of the House to the chief page of the House of Representatives and by the Secretary of the Senate to the chief page of the Senate in behalf of each page of the One Hundred and Seventh Maine Legislature in token of our esteem.

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

Mr. Tozier of Unity presented the following Joint Order and moved its passage: (H. P. 1591)

WHEREAS, the selectmen of the Town of Montville have taken a position in opposition to the expansion of nuclear generating facilities on behalf of the residents of the town; and

WHEREAS, they firmly oppose construction of a nuclear power plant on Sears Island in Penobscot Bay; and

WHEREAS, it is their belief that strict, conscientious programs of energy conservation and more extensive and efficient use of natural resources will resolve energy problems without having an adverse effect on the environment; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 107th Legislature do hereby acknowledge receipt of Article 62 of the 1975 annual town warrant of Montville offered by the selectmen on behalf of the town expressing the foregoing preamble and by this Order assure the selectmen and residents of the town that their message has been brought to the attention of all Members of the Maine Legislature for their consideration; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to the selectmen of the Town of Montville as notice of this acknowledgment.

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

Mr. Rolde of York presented the following Joint Resolution and moved its adoption: (H. P. 1592) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Joint Resolution Memorializing the Congress of the United States to Change the Proposed Federal Regulations for Title XX, the Social Services Act of 1974

WE, your Memorialists, the House of Representatives and the Senate of the State of Maine of the One Hundred and Seventh Legislative Session assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the United States Congress has passed the Social Services Act of 1974 and federal regulations have now been issued for Title XX of this Act; and

WHEREAS, Title XX affects many social services within this State; and

WHEREAS, the Human Service Council of Maine and the Maine Committee on Aging have reviewed the proposed regulations for Title XX; and

WHEREAS, many of these regulations have been found to be overly restrictive and overly bureaucratic and will increase the cost of administering these programs; and

WHEREAS, these regulations tend to override the intent of Congress in passing this Act, will contribute to a slowdown in the delivery of needed human services and furthermore, and run counter to efforts to simplify federal-state programs; now, therefore, be it

RESOLVED: That we, your Memorialists, do petition the Congress of the United States to prevail upon the United States Department of Health, Education and Welfare to revise and simplify the complicated regulations of Title XX that will prevent proper service to Maine's elderly and poor; and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Speaker of the House and to the President of the Senate of the Congress of the United States, to each

Member of the Maine Congressional Delegation and to the Secretary of the Department of Health, Education and Welfare of the United States.

The Resolution was read and adopted and sent up for concurrence.

On Motion of Mr. Albert of Limestone, it was

ORDERED, that William Blodgett of Waldoboro be excused May 15th and 16th for legislative business.

Mr. Jensen of Portland presented the following Joint Order and moved its passage: (H. P. 1593)

ORDERED, the Senate concurring, that "An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine," House Paper 1128, Legislative Document 1404, be recalled from the Governor's desk to the House.

The Order was read and passed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

House Reports of Committees

Ought Not to Pass

Mrs. Durgin from the Committee on Election Laws on Resolution, Proposing an Amendment to the Constitution to Provide for Gubernatorial Run-off Elections (H. P. 1194) (L. D. 1490) reporting "Ought Not to Pass"

Mr. Peterson from the Committee on Natural Resources on Bill "An Act to Allow Municipal Approval of Routine Wetlands Permits" (H. P. 317) (L. D. 395) reporting "Ought Not to Pass"

Mr. Hall from the Committee on Natural Resources on Bill "An Act to Permit Local Plumbing Inspectors to Approve and Issue Permits for Holding Tanks that Require Pumping" (H. P. 1535) (L. D. 1856) reporting "Ought Not to Pass"

Mr. Kelleher from the Committee on Public Utilities on Bill "An Act Concerning the Use of Coin-operated Telephones" (H. P. 1156) (L. D. 1450) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Call from the Committee on Election Laws on Resolution, Proposing an Amendment to the Constitution to Require that the Governor be Elected by Majority Vote (H. P. 455) (L. D. 619) reporting Leave to Withdraw.

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Establish the Maine Forestry District Fire Protection Fund" (H. P. 778) (L. D. 949) reporting Leave to Withdraw.

Mr. Spencer from the Committee on Public Utilities on Bill "An Act to Establish the Maine Safe Drinking Water Act" (H. P. 654) (L. D. 812) reporting Leave to Withdraw.

Mrs. Chonko from the Committee on Labor on Bill "An Act to Except from the Definition of Employee in the Workmen's Compensation Law Persons Engaged in Commercial Fishing-Related Activities while Engaged in Work Ashore" (H. P. 1337) (L. D. 1623) reporting Leave to Withdraw.

Reports were read and accepted and sent up for concurrence.

Mr. Powell from the Committee on Education on Bill "An Act Providing for a

Comprehensive State-wide Program of Primary Prevention of Alcohol and Drug Abuse and other Forms of Socially Disruptive and Potentially Self-destructive Human Behavior" (H. P. 881) (L. D. 1081) reporting Leave to Withdraw.

Report was read.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Item 9 is a bill that would require the state educational system to set up education in the prevention of drugs, alcohol and tobacco abuse. It was a bill designed to try one approach, which has proven somewhat successful in the State of Ohio, to try to teach our teenagers the problems they may have and will have by becoming addicted or trying alcohol and drugs at a very young age.

It was presented very well before the Committee on Education. Many superintendents and many teachers and many people and parents who have strong feelings that we in this state are neglecting this field and not supplying the tools and the vehicles needed to correct this problem were there at this meeting and they presented their side. There was no opposition at that hearing.

The past two or three days, I have been trying to get the Committee on Education to reconsider and come out with an "ought to pass" report, but their decision was firm and it was almost impossible to get but one name, if that was possible, to sign this "ought to pass." I also realize there is a quarter of a million dollars a year that has to be raised on a dedicated one cent tax on beer and wine, and at this type of session, where money is scarce, where we are fitting into an already hard budget, it is almost impossible to come up with these funds at this time. So, with that decision, I left myself with the only possibility of "leave to withdraw," because with that in mind we can bring this bill, as I understand it, from leadership in the special session.

I think one thing we have done with the drinking and the alcohol amongst teenagers at this session, we have exposed it. We have said it cannot be put under the rug any longer in the State of Maine. There has to be some vehicle in some program set up, at least at the educational level or at a disciplinary level, in trying to gain a foundation for our next generation. With that, we have done our part.

I would only close in saying that a year ago the Representative in seat 29 stood up at the defeat of a prescription drug advertising bill. Then we went to the public and then we came up this year and that bill is now signed by the Governor of this state and passed by both Houses. We only hope that in a need like this that we may see the same results come in the special session which is about seven months away.

(Off Record Remarks)

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will take just a few moments of your time this morning to speak on this thing. The leave to withdraw, we are in a situation here where NIAAA is going to spend a lot of money studying this very thing. I would hope perhaps this morning that this could be tabled for a couple of days, that we might substitute

the bill for the report and that we might have a concurrent study on the state level to attack this very, very important problem.

The Senate Chairman of the Education Committee is on this national study committee. I talked with him the other day, and if I understood him correctly, there would be no objection to having this go to study because there are many, many complicated factors involved, as the good gentleman from Calais, Mr. Silverman, has stated and the good gentleman from Livermore Falls, Mr. Lynch. I would ask someone to table this for a couple of days and perhaps we can work out a method to go to study on this matter.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Education Committee, I would like to speak on the record briefly to this bill. First of all, I had used this bill as a vehicle; I had hoped to justify my voting to keep the legal drinking age at 18 because I, too, was concerned about the problem but did not wish to attack it by changing the age limit. However, if you read this bill beyond the title and look at what this bill proposes to do, you will see that Mr. Silverman is actually proposing to fund education through a tax on beer and wine, because we are now spending, in the State of Maine, a total appropriation of over \$200 million on education. We can use this money to do the same thing that Mr. Silverman proposes. He wants the teachers to work on self-identity, competency, mutuality, responsibility, understanding behavior, I think we should look at all these things. These are the things that we expect the teachers to do now. I think we can do this within our program and not kid ourselves by voting this additional tax on beer and wine that we get to the alcohol problems. I would hope that you would not table this and hope that you would not substitute the bill for the report.

Please read the bill and see that it does not do what the title says.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I feel we are right back where we are with a courtesy of leave to withdraw, vis-a-vis 17-A.

I am a little bit amazed at my learned colleague from Brewer, Mr. Norris. He knows full well that this thing can go under the hammer as it is. He can go into the clerk's office, sit down with himself, draft an order, present it and have a study made. He doesn't have to keep this bill alive to have it made. I don't want this thing alive at all, and I certainly hope, number one, that it is not tabled; number two, I hope it goes its merry way with a leave to withdraw proposition. If you want to study it, put an order in and have it studied, not through this thing here.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Clarify the Fuel Adjustment Clause under the Public Utility Law" (H. P. 1086) (L. D. 1366)

Report was signed by the following members:

- Mrs. CUMMINGS of Penobscot
- Messrs. GREELEY of Waldo

CYR of Aroostook

— of the Senate.

- Mrs. SAUNDERS of Bethel
- Messrs. GRAY of Rockland
- LUNT of Presque Isle
- LITTLEFIELD of Hermon
- BERRY of Buxton
- NADEAU of Sanford
- KELLEHER of Bangor
- SPENCER of Standish
- Mrs. TARR of Bridgton

— of the House.

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

Report was signed by the following member:

- Mr. LEONARD of Woolwich

— of the House.

Reports were read.

Mr. Kelleher of Bangor moved the House accept the Majority "Ought not to pass" Report.

On motion of Mr. Greenlaw of Stonington, tabled pending the motion of Mr. Kelleher of Bangor to accept the Majority Report and later today assigned.

Divided Report

Majority Report of the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Provide for Single Member Districts in the House of Representatives: Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1984; and to Establish an Apportionment Commission to Plan for All Apportionments of the House of Representatives and Senate (H. P. 738) (L. D. 919) reporting "Ought to Pass" in New Draft under New Title

Resolution, Proposing an Amendment to the Constitution to Provide for Reduction of the Number of Representatives in 1985, to Establish the Number of Senators at Thirty-three in 1985 and to Change the Date of Convening of the Legislature (H. P. 1587) (L. D. 1883)

Report was signed by the following members:

- Messrs. GRAHAM of Cumberland
- WYMAN of Washington

— of the Senate.

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

— of the House.

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

Report was signed by the following members:

- Mr. CURTIS of Penobscot

— of the Senate.

- Mrs. SNOWE of Auburn
- Mr. QUINN of Gorham

— of the House.

Reports were read.

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

Mr. COONEY: Mr. Speaker and Members of the House: I would move acceptance of the Majority "Ought to pass" Report. I would point out to you that the redraft of this bill is on your desks and the long title and many featured bill that we are using as a vehicle does one principal thing, and that is to reduce the size of the House to 132 members.

I would ask that you take some time to

look at it, consider the issue, and I would ask further that we allow this resolution to go to its second reading tomorrow and that the debate occur tomorrow after you all have had a chance to reconsider this new proposal on the reduction of the size of the House.

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

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" on Bill "An Act to Provide Employment Security for State Legislators" (H. P. 1224) (L. D. 1535)

Report was signed by the following members:

Messrs. GRAHAM of Cumberland
CURTIS of Penobscot

— of the Senate.

Messrs. COONEY of Sabattus
PELOSI of Portland
WAGNER of Orono
CARPENTER of Houlton
STUBBS of Hallowell

— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington

— of the Senate.

Mrs. KANY of Waterville
Mrs. SNOWE of Auburn

Messrs. QUINN of Gorham
LEWIN of Augusta
FARNHAM of Hampden

— of the House.

Reports were read.

On motion of Mr. Cooney of Sabattus, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Consent Calendar

First Day

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

Bill "An Act to Permit Interstate Public Utility Hearings" — Committee on Public Utilities reporting "Ought to Pass" (H. P. 1254) (L. D. 1550)

Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Lot in Trescott, Washington County, to Clarify Title—Committee on State Government reporting "Ought to Pass" (H. P. 954) (L. D. 1193)

Bill "An Act to Amend the Human Rights Act to Prevent Discrimination Against the Mentally Handicapped and to Clarify the Provisions in the Human Rights Act Regarding Physical Handicap" — Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-351) (H. P. 1410) (L. D. 1791)

Bill "An Act to Clarify the Laws Relating to Human Rights" — Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-350) (H. P. 187) (L. D. 224)

Bill "An Act Relating to the Period for Commencing Civil Actions under the Human Rights Act" — Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-352) (H. P. 1269) (L. D. 1583)

Resolve, Authorizing Peggy Lanpher of South China or her Legal Representatives to Bring Civil Action Against the State of Maine — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-353) (H. P. 549) (L. D. 677)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 16 under listing of Second Day.

Bill "An Act Relating to the Dredging, Filling or Otherwise Altering Coastal Wetlands" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-354) (H. P. 590) (L. D. 730)

On the request of Mr. Morton of Farmington, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-354) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act to Amend the Charter of the Searsport Water District" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-355) (H. P. 1235) (L. D. 1795)

Bill "An Act Relating to Venue in the Superior Court" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-141) (S. P. 171) (L. D. 577)

Bill "An Act to Implement the Recommendations of the Trial Court Revision Commission" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-142) (S. P. 350) (L. D. 1263)

Bill "An Act to Include Procedures Performed by Dentists and Dental Hygienists under Health Insurance Policies and Health Care Contracts which Pay Benefits for those Procedures if Performed by a Physician" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-143) (S. P. 136) (L. D. 440)

Bill "An Act to Provide for State Financing of the Expenses of the Superior and Supreme Judicial Courts" — Committee on Performance Audit reporting "Ought to Pass" as amended by Committee Amendment "A" (S-140) (S. P. 163) (L. D. 575)

No objections being noted the above items were ordered to appear on the Consent Calendar of May 16 under listing of the Second Day.

Consent Calendar

Second Day

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

Bill "An Act to Permit Housing Authority Commissioners to Serve Concurrently as Commissioners of a Renewal Authority in Certain Places" (S. P. 317) (L. D. 1094)

Bill "An Act Relating to Closing Costs under the Maine Consumer Credit Code" (C-"A" S-136) (S. P. 218) (L. D. 717)

Bill "An Act to Authorize the County of Hancock to Collect and Dispose of Solid Waste on a Regional Basis" (C. "A" S-139) (S. P. 128) (L. D. 414)

Bill "An Act to Authorize Knox County to Raise \$700,000 for Construction of a County

Jail and a District Court Facility" (C. "A" S-137) (S. P. 285) (L. D. 995)

Bill "An Act Repealing the York Harbor Village Corporation" (C. "A" S-138) (Later Reconsidered) (S. P. 468) (L. D. 1563)

Bill "An Act Concerning Publication and Public Inspection of Executive Orders" (C. "A" S-135) (S. P. 449) (L. D. 1508)

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

Tabled and Assigned

Bill "An Act Appropriating Funds to the Department of Mental Health and Corrections for Fire Prevention and Structural Safety Improvements at the Military and Naval Children's Home at Bath" (Emergency) (C. "A" H-340) (H. P. 1357) (L. D. 1659)

On the request of Mr. Higgins of Scarborough, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the Committee Report and tomorrow assigned.

Tabled and Assigned

Bill "An Act Relating to Property Insurance under the Maine Consumer Credit Code" (C. "A" H-341) (H. P. 1201) (L. D. 1496)

On the request of Mrs. Boudreau of Portland, was removed from the Consent Calendar.

On motion of the same gentlewoman, tabled pending acceptance of the Committee Report and specially assigned for Monday, May 19.

Passed to Be Engrossed

Bill "An Act Exempting Alcohol and Drug Abuse Centers from Payment of State Sales Tax" (H. P. 265) (L. D. 864)

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

Amended Bills

Bill "An Act Amending the Elderly Householders Tax and Rent Refund Act to Expand Eligibility to Recipients of Supplemental Security Income" (H. P. 104) (L. D. 101) (C. "A" H-343)

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

Mrs. Goodwin of Bath offered House Amendment "A" and moved its adoption. House Amendment "A" (H-356) was read by the Clerk.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment merely refers to another section of Maine law which prohibits SSI recipients from receiving property tax rebate. In the original draft of the bill, we neglected to put this section under the state optional program for SSI, as well as that section which is ending property tax and rent refund act itself. This is merely to clarify the language.

Thereupon, House Amendment "A" was adopted.

Mr. Susi of Pittsfield requested a roll call on passage to be engrossed.

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

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

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the greatest steps forward in helping the SSI recipients who are the lowest paid recipients we have in the United States today, so let's give them this boost.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be engrossed. All those in favor of this Bill being passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" 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, Burns, Bustin, Byers, Call, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lynch, MacEachern, Mackel, MacLeod, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulhern, Nadeau, Najarian, Palmer, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snow, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

ABSENT — Blodgett, Carey, Faucher, Hutchings, Lizotte, Lunt, Mahany, Martin, R.; Norris, Peakes, Perkins, T.; Strout.

Yes, 138; No, 0, Absent, 12.

The SPEAKER: One hundred and thirty-eight having voted in the affirmative and none in the negative, with twelve being absent, the motion does prevail.

Sent to the Senate.

Amended Bill Tabled and Assigned

Bill "An Act Creating the Post-secondary Education Commission of Maine" (S. P. 344) (L. D. 1160) (C. "A" S-134)

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

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

Mrs. KANY: Mr. Speaker and Members of the House: An amendment is being prepared for this bill, and I would

appreciate it if someone would table this item.

Thereupon, on motion of Mr. Davies of Orono, tabled pending passage to be engrossed as amended and specially assigned for Monday, May 19.

Bill "An Act to Increase Costs and Fees Taxed and Allowed in the District Court" (H. P. 852) (L. D. 1041) (C. "A" H-319)

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

Mr. Tierney of Durham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-344) was read by the Clerk and adopted.

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

Bill "An Act to Permit Hunting with Muzzle-loading Rifle" (H. P. 311) (L. D. 374) (C. "A" H-276)

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

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

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

The SPEAKER: The gentleman from Kittery, Mr. Kauffman, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, you heard a very humorous report on the operation of a muzzle-loading rifle, which I don't think pertained to the bill at all. The question before us is to allow an extra week of hunting for people owning muzzle-loading rifles. Furthermore, amendment "A" limits this to the southern zones only.

It was further stated here yesterday that this bill has the approval of the Department of Inland Fisheries and Game. This bill does not have the approval of the Department of Inland Fisheries and Game, and if we open this to the muzzle-loading hunters, I said yesterday, and I repeat today, there will be handgun hunters coming in here and wanting the same privilege. I hope you will support my motion.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker and Members of the House: This bill came out of committee with a 9 to 4 report of the Fish and Game Committee. It is a bill that is directed at a special interest group, a group who likes to hunt with muzzle-loading rifles. These people can hunt through the regular hunting season with their muzzle-loading rifles just as well as anyone else can, and I don't think that we should be giving any special hunting season privileges to anyone.

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

Mrs. TARR: Mr. Speaker and Members of the House: I am not going to go through what I did yesterday. I gave it all that I had, and I did the very best I could to support this bill. It was a short-lived victory, I must say, but I just want you to know this morning that I will take my muzzle-loader and slip quietly away.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This is almost a perennial thing here. Each session I have been here there has been a muzzle-loading bill in before this House. It is a rather unique group of sportsmen that participate in this muzzle loading. There are several clubs throughout the state, and they appeared before our committee each time and displayed the type of bullets and guns and one thing or another the past session, and they are unique and they are asking for a special privilege. But you already have given this to the archers throughout the state, and they have a month or more to participate in their sport.

This, in New Hampshire and some of the other states, is a very popular sport, and the possibility of the Fish and Game Department picking up a few extra dollars, which they have told us so many times that they are in dire need of, I wholeheartedly support this. This was Representative Usher's bill, I believe, and I know that where Mrs. Tarr is from there is a large group of muzzle-loading fans there, because they have appeared before us several times. I wholeheartedly support this, and only wish that we could give this a trial. It is only for a few days. It wouldn't be depriving the archers of very much. It is the last end of the archer season. They have had plenty of time to shoot all the tame deer there are around with their bow and arrows, so why not give these people — they are not going to do too much harm. They only have a single shot to fire and you are not going to crowd woods with the muzzle-loading hunters.

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

Mr. PETERSON: Mr. Speaker and Members of the House: I am opposed to this. In essence, it says that for \$5 you have six days of hunting extra.

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

Mr. DOW: Mr. Speaker and Members of the House: Somebody just told me it was one of those single shots that started something around the world here, but actually I would like to speak against opening this up for these muzzle loaders. I really, personally, don't think that the deer herd can stand another week of hunting. If the people in the south think it can, maybe we ought to add two or three more days on to the regular hunting season.

They talk about only one shell in this gun. These guns are precision made; they are very, very accurate. They take maybe 60 deer in the archery season, but with this type of gun and for a whole week, they can do quite a lot of damage to the deer. I hope that you vote against this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am opposed to this bill. I have two of these muzzle-loading guns and I find them very accurate, and I don't see it is any different killing a deer with a muzzle-loader than it would be otherwise. You generally only get a chance to fire one shot and he runs away anyway, so if you kill him with a muzzle-loader or any other gun, I don't see as it makes that much difference. I say they are very effective.

During the Civil War, a lot of people were killed with them. They were quite effective there at Gettysburg and other

places, and they are quite effective shooting deer also. I hope that we don't do this, and if we do need more hunting season, that we extend it so that everybody has a chance.

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

Mr. USHER: Mr. Speaker and Members of the House: Just to clarify a few statements. We met with the president of the Maine Archers, and we didn't want to interfere with their season, which is the month of October. This is why we chose the first week of November, and seeing as they have the whole month of October, we didn't think this would really hurt them any, and this is why we only proposed one week.

Thereupon, Mr. MacEachern of Lincoln 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 on the motion of the gentleman from Kittery, Mr. Kauffman, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote.

ROLL CALL

YEA — Albert, Ault, Bachrach, Berry, P. P.; Birt, Bowie, Burns, Call, Carter, Chonko, Clark, Connors, Connolly, Curran, R.; Dam, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Farnham, Fenlason, Finemore, Fraser, Gauthier, Goodwin, K.; Hall, Henderson, Hennessey, Hunter, Immonen, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, LaPointe, Laverty, Leonard, Lewis, Littlefield, Lizotte, Lynch, MacEachern, Martin, A.; McMahon, Mills, Mitchell, Morton, Palmer, Pelosi, Perkins, S.; Peterson, P.; Powell, Raymond, Silverman, Sprowl, Strout, Susi, Talbot, Teague, Torrey, Tyndale, Walker.

NAY — Bagley, Bennett, Berry, G. W.; Berube, Boudreau, Bustin, Carey, Carpenter, Carroll, Churchill, Cote, Cox, Curran, P.; Curtis, Davies, Dyer, Farley, Flanagan, Garsoe, Goodwin, H.; Gould, Gray, Greenlaw, Hewes, Higgins, Hobbins, Hughes, Ingegneri, Jackson, Kelleher, Kelley, Kennedy, Laffin, LeBlanc, Lewin, Lovell, Mackel, MacLeod, Maxwell, McBrearty, Miskavage, Morin, Mulkern, Nadeau, Norris, Peakes, Perkins, T.; Peterson, T.; Pierce, Post, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Stubbs, Tarr, Theriault, Tierney, Tozier, Truman, Twitchell, Usher, Wagner, Webber, Wilfong, Winship.

ABSENT — Blodgett, Byers, Cooney, Faucher, Hinds, Hutchings, Lunt, Mahany, Martin, R.; McKernan, Najarian.

Yes, 66; No, 72; Absent, 11.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-two in the negative, with eleven being absent, the motion does not prevail.

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

On motion of Mr. Leonard of Woolwich, the House reconsidered its action of earlier in the day whereby Bill "An Act Repealing

the York Harbor Village Corporation," Senate Paper 468, L. D. 1563, was passed to be engrossed as amended on the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Monday, May 19.

Passed to Be Enacted Emergency Measure

An Act Appropriating Funds to the Attorney General for the Purpose of Participating in Proceedings before the Public Utilities Commission (H. P. 702) (L. D. 882)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and 4 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 Minimum Finance Charges Under the Maine Consumer Credit Code (S. P. 219) (L. D. 718)

An Act Relating to a Third Fifty-Two Week Extension for Vocational Rehabilitation under the Workmen's Compensation Statutes (S. P. 292) (L. D. 1017)

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

Enactor Reconsidered

An Act Relating to Playing Card Games for Prizes (H. P. 573) (L. D. 708)

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

On motion of Mrs. Berry of Madison, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-358) was read by the Clerk.

Thereupon, on motion of the same gentlewoman, tabled pending the adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

Enactor

Tabled and Assigned

An Act to Improve the Management of the Public Lands (H. P. 703) (L. D. 930)

An Act to Enable the State to Recover 100 Percent of the Cost of Extended Benefits under Certain Conditions as Provided by Federal Legislation (H. P. 758) (L. D. 932)

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 to Provide for Supervision of Elections By Municipal Clerks (H. P. 907) (L. D. 1106)

Was reported by the Committee on

Engrossed Bills as truly and strictly engrossed.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard me expound on this before. Ever since I have seen this bill it has spelled trouble for me.

I hate to take issue with the sponsor, my good friend from Skowhegan, Mr. Dam. Really, I can't understand his motives behind this. He, of all people, is a strong advocate of home rule, and so am I. But I fail to see how he can reconcile this action between home rule and the action that he proposes to take.

My particular problem with this bill is the fact, as I explained to you before, we in Winslow operate under a charter, but our charter does not deal with this section of the law. We chose to remain under the general laws in regard to the election or appointment of wardens to conduct elections.

The way the amendment that was put on this bill is written, only the selectmen will have the right to approve the appointment, or the recommended appointment by the clerk. We don't have selectmen in my community; we have councilmen, and I suggested to the gentleman that if it really was the will of the House that this piece of legislation was going to become law, then the term should be changed to "municipal officers." I was under the impression that he was going to take care of this. Lo and behold, I come in this morning and the bill is up for enactment and it still is in the same form.

I would hope that common sense will prevail here this morning. I didn't lobby against this bill because I felt that common sense would prevail. I would hope that you would go along with me, and I move now that the bill be indefinitely postponed, and I would ask for a division.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that this bill and all accompanying papers be indefinitely postponed.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending the motion of Mr. Carter of Winslow to indefinitely postpone and specially assigned for Monday, May 19.

An Act to Restrict Liquor Control Commission Records of Liquor Violations to Violations which are Less than 5 Years Old (H. P. 981) (L. D. 1244)

Finally Passed

Resolve, to Reimburse Norman Call of Levant for Loss of Cattle Destroyed by Bear (H. P. 959) (L. D. 1207)

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

Orders of the Day

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

House Report — "Ought to Pass" as amended by Committee Amendment "A" (H-267) — Committee on Legal Affairs on Bill "An Act to Permit Individuals to Pay Fines for Minor Traffic Violations without Having to Appear in Court" (H. P. 1452) (L. D. 1725)

Tabled — May 9, by Mr. Rolde of York.

Pending — Acceptance of Committee Report.

On motion of Mr. Stubbs of Hallowell, retabled pending acceptance of the

Committee Report and specially assigned for Monday, May 19.

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

Bill "An Act Concerning Pay Toilets" (H. P. 663) (L. D. 837)

Tabled — May 9, by Mr. Carey of Waterville.

Pending — Adoption of House Amendment "B" (H-131)

On motion of Mr. Rolde of York, retabled pending the adoption of House Amendment "B" and specially assigned for Monday, May 19.

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

Bill "An Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Northern Oxford County Area" (H. P. 1094) (L. D. 1372)

Tabled — May 9, by Mr. Fraser of Mexico.

Pending — Adoption of Committee Amendment "A" (H-257)

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

Mr. FRASER: Mr. Speaker, I now move the indefinite postponement of Committee Amendment "A" and would speak to my motion.

The SPEAKER: The gentleman from Mexico, Mr. Fraser, moves the indefinite postponement of Committee Amendment "A".

The gentleman may proceed.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: Those of you who were here two years ago probably remember the debate that went on regarding this same bill. At times the debate became pretty good here, but it was finally passed and went on the Appropriations Table and required something like \$85,000 and the Appropriations Table wasn't big enough to handle it, so it fell off.

Now there is federal money waiting in the wings to be used for this project and it needs a hundred thousand dollar ten-year bond before it can be used.

Now, 10 or 12 years ago, in the southern part of the county, in the Fryeburg area, there was an airport constructed and county money was used and there was no referendum. Four or six years ago, another airport was erected in the central part of the county, in the Norway-Oxford area, and even two years ago, when there became \$60,000 of federal revenue-sharing money to build a hangar. We all agreed that an airport without a hangar is not complete, so permission was given and there was no referendum. Now we want one, we need one in our area and we need some county money, and now they are asking for us to have a referendum. All we are asking for is a fair shake. We all know the uncertainty of referendum and I don't believe we should have it. I hope you will go along with me.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: This is a matter that has been discussed since 1940, and since that time, we have been trying to find an area that was suitable for an airport in northern Oxford County. We have tried many different locations and this latest one is in the town of Dixfield.

I feel quite strongly that this Committee Amendment "A" should be on the bill because of the fact that, in all the counties today, we have hard work to raise enough

money to keep things going. This is a \$100,000 that Oxford County had got to come up with to match the other funds in total of 1 7/10 million and I, for one, do not want to saddle the people of Oxford County with this cost without letting it go to referendum. This is not a House Amendment of my own, it is a committee amendment. I think it is a reasonable thing and I would ask for a Division.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to rise to take any strong position on the amendment. I do want to state why it is there and it was the feeling of the Committee on Local and County Government, that since we had been putting this on to all the bills requiring county monies for the building of detention centers and such, that it would go through completely this session that anything that had to do with raising money on the county level would be submitted to the voters of the county.

I think a lot of us are concerned with what has been transpiring in the early months of the session and what is going on right now and what will be going on after we leave here. I think we have two sides to the question, whether county government is going to survive and become efficient, or whether we are just going to let it go its merry way. To be efficient, they have got to be responsive to the people and I don't think that passing these bills here without a referendum is really being responsive to the people in the county. I think the people in the county should have the right to vote whether they want to have this money expended or not. I know that if something were pertaining to my county that I would want all the people to vote.

What was done in the past, as mentioned by one previous speaker, really doesn't enter into the picture because two wrongs don't make a right. I think this is a step in the right direction to have these referendums on these bills and this is the reason the committee put it on and I am stating the policy of the committee.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I have no fault to find with the committee. I assume they acted with what they considered to be wisely. Again I ask you why our section of the county pays almost half of all these taxes in the county? The lower section of the county gets two airports and no mention is made of a referendum. This \$100,000 bond issue is going to be paid in good part by that section of the county that is going to use it. I know the mood in the county right now, they will think well let's start being economical. Well, why start now? Oxford County, including the northern section of Oxford County, which pays as I said before, half or almost half of all the county money, they built airports for their purposes and we stood by waiting for our turn and now it is our turn and they want us to have a referendum. I don't believe it is fair. I certainly hope you will go along with me.

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker, Ladies and Gentlemen of the House: I don't like to dispute with a fellow Representative, Mr. Fraser from Mexico, as he is diligently trying to find a way to solve an airfield problem in his area. Admittedly the county

has participated in some funding for other airports. Compared to the previous other airports, I don't consider there is a comprehensive ground work made that we have the necessary information to bring to the publicoreventhelegislature.

Truly, he mentioned that there have been two airports in the county and the county funds have been used for construction of airports, but generally these have been minute funds. This one in Fryeburg, which is on the New Hampshire border or within a mile or so of the New Hampshire border, the county put in about \$15,000 about a dozen years ago, but \$60,000 was given by 13 other communities, some in Cumberland County and others in the adjoining towns in New Hampshire. There has been local efforts there and participation by the towns.

A different situation took place in the southern part of Oxford County in the town of Oxford, somewhere around four or five years ago. There was a group of, we might say speculators, people that invested money on 700 acre tracts of land right next to a railroad, a Transcontinental Railroad, the Canadian National, with the idea of having an Industrial Park. They were willing to donate a certain tract of land to the town of Oxford but somehow or other, in securing participating funds from the Federal Government or from the state, the town was not in position to handle it so they donated or granted for one dollar, 72 acres of land to Oxford County for the purpose of making an airport. Now this has a 300 foot runway which has been established, no county funds were paid for this acreage and the appraisal value of that had been \$950 an acre which is a substantial sum of \$68,000 that was donated. It is always questionable about having airports, wherever they are, will there be enough participation but there was the earnest desire of so many people in the area, business people, we have attracted two new industries, two mobile home manufacturers right in the immediate vicinity and a new industry came to Norway, a new shoe shop. The question is, would they have come or not but that has turned the tide, I feel. I urge you to vote against Mr. Fraser's motion to indefinitely postpone and allow the county commissioner to decide if the circumstances up in the northern part of the county warrant that there is land available and it can be purchased at a fair price and after that has been decided, then the citizens of the county can vote for it.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make it plain that I am not against the airport as such. I probably would vote for the airport in the end, but I do think the people in Oxford County should have something to say about it.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: In reference to funds used in Fryeburg and Oxford Plains for their airports, it doesn't matter about other funds, there certainly was county funds involved and there certainly was no referendum on the use of funds. Therefore, I feel that this amendment should be indefinitely postponed and when the vote is taken, I would like to have the yeas and nays.

The SPEAKER: A roll call has been requested. For the Chair to order a roll

call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that the House indefinitely postpone Committee Amendment "A" to Bill, "An Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Northern Oxford County Area". House Paper 1094; L. D. 1372. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, P. P.; Boudreau, Bustin, Carey, Carroll, Carter, Chonko, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, DeVane, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Hall, Hennessey, Hewes, Hobbins, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kauffman, Kelleher, Laffin, LaPointe, Laverty, Leonard, Lewin, Lewis, Lizotte, Lynch, MacEachern, Mackel, MacLeod, McBreairty, Mills, Miskavage, Mitchell, Nadeau, Najarian, Peakes, Pelosi, Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Saunders, Silverman, Smith, Tarr, Theriault, Tierney, Truman, Twitchell, Usher, Webber, Winship.

NAY — Bachrach, Berry, G. W.; Berube, Birt, Bowie, Burns, Byers, Call, Churchill, Clark, Conners, Farnham, Flanagan, Gould, Gray, Hendersen, Higgins, Hinds, Hughes, Hunter, Immonen, Kelley, Kennedy, Lovell, Martin, A.; Maxwell, McKernan, McMahon, Morin, Mulkern, Palmer, Perkins, T.; Rideout, Rollins, Shute, Snow, Snowe, Spencer, Sprowl, Stubbs, Talbot, Teague, Torrey, Tozier, Wagner, Walker.

ABSENT — Blodgett, Carpenter, Dam, Davies, Doak, Greenlaw, Hutchings, Jalbert, Kany, LeBlanc, Littlefield, Lunt, Mahany, Martin, R.; Morton, Norris, Perkins, S.; Peterson, T.; Strout, Susi, Tyndale, Wilfong.

Yes, 81; No, 46; Absent, 23.

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

Thereupon the bill was read the second time, passed to be engrossed and sent to the Senate.

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

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" (H. P. 158) (L. D. 188) (C. "A" H-241)

Tabled — May 9, by Mr. Rolde of York.

Pending — Passage to be Engrossed.

On motion of Mr. Cooney of Sabattus retabled pending passage to be engrossed and tomorrow assigned.

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

House Report — "Ought to Pass" as amended by Committee Amendment "A" (H-266), Committee on Legal Affairs on Bill "An Act Relating to Licensing and Fee Requirements for Private Detective, Watch, Guard or Patrol Agencies" (H. P. 1299) (L. D. 1575)

Tabled — May 9, by Mr. McKernan of Bangor.

Pending — Motion of Mr. Gray of Rockland to Indefinitely Postpone Bill and Accompanying Papers.

On motion of Mr. Stubbs of Hallowell retabled pending the motion of Mr. Gray of Rockland to indefinitely postpone the Bill and all accompanying papers, specially assigned for Monday, May 19.

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

SENATE DIVIDED REPORT — Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (S-129) — Minority (4) "Ought Not to Pass" — Committee on Legal Affairs on Bill "An Act to Restrict the Possession of Radio Receiver Crystals Used to Receive Certain Governmental Frequencies" (S. P. 188) (L. D. 622)

Tabled — May 12, by Mr. Birt of Millinocket.

Pending — Motion of Mr. Shute of Stockton Springs to Accept the Minority "Ought Not to Pass" Report.

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

Mr. BIRT: Mr. Speaker and Members of the House: I move we accept the "Ought not to Pass" Report.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I must stand to oppose the motion of "Ought not to Pass". This is a tool that the police need in order to carry out their functions. As it is currently going, the individuals making the breaks into cottages, houses and robbing or stealing, are able to keep in contact with the police because they are monitoring their signals, they know where the individual police cars are, they know how close they are by the intensity of the signal.

The bill, when it was before the committee, the suggestion was made to put in scrambling units. These scrambling units run somewhere around \$800 apiece. They can be by-passed and have been, particularly in some testimony that was received from the City of Lewiston. The scrambler is not effective because of the intensity of the signal is still known when it comes across.

This bill, as amendment by Committee Amendment "A" would make it illegal for the mobile use of any radios capable of receiving a police, sheriff, state police, fire department or civil defense signal, thereby, making the signal more private to their use. It is a tool that the police need.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I am probably as much for law enforcement as anyone in this House but I am not to the extent that I want to give up one of our most basic constitutional rights, that of freedom of speech, because along with that goes the freedom to listen. If you read the bill, you

will see that in Section 3967, this bill would make it illegal for anyone to possess, transport or have in their possession in a motor vehicle, a radio capable of receiving police frequencies. This section would mean that it would be illegal for a person to even buy a radio capable of receiving police frequencies and transporting that radio in their automobile to their home. It would be illegal to transport the radio from your house to your cottage, if you wanted to transport that radio during the summer. Not only does it make it illegal to listen to police channels, it also makes it illegal to listen to civil defense channels, it is illegal to listen to fire department channels. It is really a far reaching piece of legislation.

In section two of the bill, this section gives the State Police the authority to license radios. The State Police have never had this authority. This authority has always been with the Federal Communication System; never with the State Police.

This hinges on the border of setting up a Gestapo in the State of Maine. So, for these reasons, I hope you will support the minority "ought not to pass" report.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: As a rule, I don't get into these arguments but there are many, many of these over the state talking about it this morning. In New Hampshire, in Maine it's loaded with these pieces of equipment and the big trucks traveling up and down the highways in the state of Maine who help so many people, do so much good for people, they about all have this hookup. In fact, I have one truck that has one in it and my son does, still belongs to the corporation.

I wonder if this has been checked with the Attorney General. I don't think this bill is the right kind of a bill to put out. I think it can do a great injustice to everybody; there are a lot who even have it in their homes, they like to listen to the fire people when they talk back and forth or to the State Police when they talk back and forth. I have had one in my possession and I have enjoyed it very much and I don't think its ever been used to break the law. I don't think these trucks going up and down the road are going to break the law. They can tell where the police are and sometimes that's a little bit of a benefit, not only to the police but maybe to me, as a rule, once in a while. I know if you follow a big truck up the highway, you are pretty safe not getting caught by the State Police because if you follow the truck and when he slows down you slow down and you get along pretty well. So I hope this morning you will go along with the motion of Mr. Birt to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "ought not to pass" for the reason that Mr. Shute just gave you. It was brought out that there are ways that the State Police can get around this if they so desire.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill is modeled after a successful New Jersey bill. It is an attempt to assist police officers in the investigation of crime and it is only restricting the radios that receive this type

call in cars. We certainly are not attempting to get at the home use, for I can attest to many instances in the Portland area where that little old lady who sits up all night long and listens to the calls has helped us many times in making arrests of criminals.

I think the intent of this bill is good. As for words spoken here today about carrying it from a store to your home, or from your home to the cottage and being arrested, I don't think this is really very valid. You know, now we have a law in Maine that you can't transport a body. I think if somebody dies in your car, you don't open the door and kick them out; you know, this isn't right. The laws aren't handled that way, and I think this is a good law and order bill.

We all want the people to keep it in the homes. In Portland, I think really that the Portland police broadcast probably gets the top rating every week and I don't want to hurt this.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if you would call this conflict of interest, but I happen to be in the repair business and we do repair these radios. I had a call from my chief telling me that I should oppose this bill. I don't know if you people realize what type of business this is. This is a business that we have 250,000 of these sets in the State of Maine at present that are being sold by distributors in your area and these distributors are definitely against this. As a matter of fact, they found out a little too late; they hired a lobbyist but I haven't seen nor talked with him. But if you realize that a child or a young fellow that's going to the beach, that's carrying a radio to the beach, this radio here is a tunable radio; this radio here you can tune to any AM, FM also police, Marine and weather forecast. Now if this radio is caught in the car, if a person is carrying that in his car, I don't care if its midnight or 1:00 A.M. in the morning, if he is caught with this radio, that means that this radio is available to pick up a police radio and under this bill right now, at the present time, this man could be arrested and he committed a felony.

Now, this crystal here is able to pick up police radio. This is a 154 megahertz and is the Channel that the Lewiston police picks up on and then you have Augusta that has another crystal which I have on this radio here.

Now a lot of these radios, there are children who have these, who listen to them all day, and if you want to know what your police department is doing, all you have to do is buy one of these radios and you will realize that the police department is the closest friend that you have.

The other day I had a lady call me up to fix her radio. She told me, I want it fixed because the other day, I happened to see the car that they were looking for going by my house that the police were chasing on another street, and I called them and told them that this guy was on this street going up Webster Street, that was. Right off, the police were at the corner of Webster and Mitchell and picked up this man. So you see, these things really pay off in more than one area.

I will tell you, ladies and gentlemen, I don't care what you do here, these guys that are committing crimes will have these radios and will hide them and they'll be available to them. Now, they are

talking about scramblers, scramblers is a unit that is put on to the police department and he'll tell the other policemen in the other car, saying "Go on Code 16". Well, they have Code 16, Code 17 and Code 54. That means "go on the other Channel, nobody can listen to us." Now these things are available and we agree with the police department and all servicemen and dealers that sell these radios that they will not build any of these decoders.

Now, I can build one for \$30 at my cost and we agree that we will not build or sell any of these so they are not available to anyone. Now, the police told us that we would do this. We told the police that we would do this, so ladies and gentlemen, I don't know what we're creating here but believe me, if you do let this bill go through you are creating a monster and at the next session of the Legislature, you're certainly going to repeal this.

As a matter of fact, we have a new federal law now that they are going to change the frequency again so at the present time, as a matter of fact, it is a matter of months so whatever you put here will not make any difference anyway. I hope that you do go along with the indefinite postponement of this bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we could support the motion of the gentleman from Millinocket Mr. Birt, and indefinitely postpone this bill. I don't especially have any interest in the bill; in fact, I don't have any, but I am concerned that if we pass this bill, this is just another one of those door-openers. I am also concerned, just as much as Mr. Shute is, about taking away the rights of the people as to what is coming over the airwaves.

Now, Mr. Joyce has said that they don't intend to limit these receivers in the homes; they don't intend to today, but the next time around who says they are not coming to the homes, put this right in to eliminate them from your homes? The next time around, who says that the Bill won't come that says you can't listen to any frequency where the state highway commission has any radios in their trucks? Pretty soon, you won't know what is going on. Pretty soon, they will start telling you what news you can listen to, then we're getting right back to where the foreign countries were, such as Germany, when we have our news regulated and we are going to read what the bureaucrats and what the government wants us to read and we are going to listen to only what they want us to listen to.

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

Mr. GOULD: Mr. Speaker and Members of the House: As a member of the Legal Affairs Committee, I have heard this bill. I was not in favor of the bill until it was amended by Committee Amendment "A" because I was not in favor of trying to tell people any program or anything to which they should listen. But I will say this, it doesn't interfere with people listening to sets in their home. It just affects those in cars and they should be licensed. I am not in favor of the good gentleman's proposal from East Millinocket to indefinitely postpone this bill. It would be a great help to the police and firemen.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Jacques makes an excellent point when he

mentioned the fact that there are many radios in the State of Maine that are six and seven band receivers. I have two. I don't use either one of them for listening to state police or local police, but I do quite often go to the beach in the summer and I do transport my radio, which is battery operated, and as Mr. Jacques has told you, if you pass this law, I guess I am going to have to buy a different type radio.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I think I can see which way this bill is going, but I will try again anyway. Permission, they've mentioned licensing — this is not a licensing by the state police, this is only granting permission to those who have a valid reason for having this type radio in their car and could include the individuals who have them firmly installed and use it just as a pastime, but their backgrounds could be checked to be sure who had them.

In the fire department area, we receive testimony whereby people were responding to the fires to such a degree that their cars were piling up and the fire equipment and the fire department people could not get to the scene. This is a very great danger. In reference to Mr. Finemore's remarks in regard to the trucks, the trucks do not use or are not on the band for the police signal. They are intercommed with the CB and this would not interfere with a CB unit at all. What happens in the trucks, the first truck spots the state police cruiser and the word immediately goes up through the roadway.

We are talking about mobile cars only, only those in an automobile, and Mr. Jacques remarked that this was a felony. It is not a felony; the penalty on it is a thousand dollar fine and not more than one year, or both.

Now, several statements have been made on the decoding of the scrambling devices. We received testimony that a 14-year-old in Lewiston, at the expense of \$15, was able to make a decoding device that copied their police radio and he was selling them at \$15 apiece to those who wanted to buy them.

In the CB area or in the area of the cities, decoders can be used, but when we get out in the countryside, out in Somerset County, a county that is 200 miles long, whether you have a decoder or scrambler with you or not, it doesn't really matter because of the signal strike of the transmitter. You can tell approximately how far that transmitting unit is from you, so we could decode or scramble up there all day long and it wouldn't be effective at all.

I do hope you support this and go against the motion "ought not to pass."

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I hope I don't misinform anybody but I would like to tell the gentleman from Anson, Mr. Burns, that he ought to check these gypsy trucks because they all have one sitting right in their seat, a little unit about so square and a lot of our own trucks up in Aroostook have them. I think if he would get up where there are truckers where they run 25 or 30 right in a string without a break, he could see a lot of difference to the trucking district that he is in, because they certainly have them in their trucks.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I have been getting notes right and left here; how much are those radios? Well, as a matter of fact, I don't sell them. They can purchase them at almost any store.

One thing was said here that these scramblers can be built for \$15. I don't know where they got their's, but I wish I knew. As far as \$800 to put a descrambler on their radio, if they build a decoder for \$15 and it cost \$800 to build a scrambler I don't know where they get those either, because I know that we can't do it and I have been in that business for 25 years. We work on two-way radios but I don't sell them, so I just want to clear something up here.

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

Mr. JALBERT: Mr. Speaker, I was one of those who was tempted to send the gentleman, my dear friend and colleague from Lewiston, Mr. Jacques, a note. If he doesn't sell them, he ought to sell insurance and he could quickly join the Million Dollar Round Table Deal.

The SPEAKER: The pending question is on the motion of the gentleman from Stockton Springs, Mr. Shute, that the House accept the Minority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent up for concurrence.

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

Bill, "An Act to Require Bicycle Safety Education in Public Schools" (H. P. 1079) (L. D. 1359) — In House, Majority "Ought to Pass" report of the Committee on Education read and accepted and the Bill passed to be engrossed. — In Senate, Minority "Ought Not to Pass" report of the Committee on Education read and accepted, in non-concurrence.

Tabled — May 12, by Mr. Peterson of South Windham.

Pending — Motion of Mrs. Lewis of Auburn to Recede and Concur.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you that this is a very simple document. It is an act to require bicycle safety education in public schools, and I introduced this at the request of the Maine State Highway Safety Committee. I had reservations the first time they approached me. I am not a department man who likes to go along with departments all the time, but I had an unusual experience. Just after we had a hearing on this bill, I came down and on the way down here, I had the unfortunate experience of meeting some young people on bicycles who met an automobile. You know two people on a bicycle coming down the road, they went on each side of me in my automobile and I had the horrors at the thoughts of running over one of those boys. I really feel that it's extremely important that we have bicycle safety in our schools. I think that one of the saddest spectacles in our society is that we legislate so many things that are not important and things that are very, very important, and that is the life of our young people, we overlook at times. So I would urge you all to accept the Majority report

of the Committee, An Act to Require Bicycle Safety Education in Public Schools, and let's send this on its way.

The SPEAKER: The Chair recognizes that gentleman.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I have nothing against teaching children bicycle safety, but the reason that I am opposed to this bill is that it dictates to every school in the state of Maine that special courses in bicycle safety have to be taught. Presently, the schools are required to teach courses in safety. We have put a limitation on the amount of money that the schools can spend and I don't think it is fair for us in Augusta to put that limitation on and then to dictate to these schools the courses they have to teach.

This would not doubt require that they would have to hire people to teach these courses. I don't know whether they would have to have bicycles at the school to use as demonstration models or just what, but it is dictating to the schools for a program that will be expensive for them.

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

Mr. SNOW: Mr. Speaker and Members of the House: I would like to rise in support of the gentleman from Limerick, Mr. Carroll. I, too, have seen children coming down the road riding one on each side of the road. I have spoken to them and I have learned that their parents have advised them to ride on the highways as they would walk on the highways. Now this is not only illegal, it is confusing and unsafe. I think that if there is a program on bicycle safety, no matter how brief in the schools, the children will correct their parents in this type of mistake.

Another point I would like to be able to make. The bill doesn't specify that the course be lengthy or detailed. It doesn't say that extra teachers need to be hired. Most police departments are well able to spend a few hours in the schools in their communities. This has happened in Westbrook, it has happened in Falmouth and I believe that they would be able, at little expense to the community, to be able to carry out this function.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I can not add much to what the gentleman from Falmouth has just stated. I was on my way to the session Monday morning, I heard over the news that a fourteen year old young person had been killed while riding his bicycle in one of the coastal communities in the state. I came to the session that morning and I heard the motion to recede and concur, which would be to kill the bill and I just couldn't understand it. I don't think the courses would be that technical. There is a big bicycle boom going on in this state right now, you can't turn around that there isn't a new bicycle shop opening up. All sorts of new bikes on the road and young people and I think that it is not too much to ask schools, where all these children do attend, where they are forced to attend until they are a certain age, that a simple course, the very basics and I don't think they have to hire a person with a PhD or a Master's degree to teach this course. I think we would be doing ourselves and the citizens, young citizens of this state, a big favor in saving a lot of grief for families around here and I just can't see where this can cause any harm. We are not telling them to

teach a certain thought course, we are telling them to teach a safety course in bicycle safety. I would request that the Clerk read the committee report.

The Committee Report, House Paper 1074, L. D. 1359 was read by the Clerk.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: In the 106th Regular Session, we appropriated \$10,000 worth of the taxpayers money to conduct a study on bicycling in the State of Maine. At this time, the study was conducted jointly by the Department of Transportation and the Bureau of Parks and Recreation. This was a rather comprehensive study on all aspects of bicycling in the State of Maine. It included a review and inventory of facilities or lack of them. It made recommendation for future use of bicycling or bikeways and this sort of thing. They also included within their course of their study a number of surveys. They surveyed police chiefs, they surveyed school teachers, and they also surveyed 4,400 students in the fifth, sixth, seventh and eighth grades around the State of Maine in October of 1973. There was a pretty substantial response to this student survey that was conducted by the coordinator of this study and they got almost 3,000 responses.

I would like to share with you some of the responses in regard to some of those questions. 94 percent of the students in these fifth, sixth and eighth grade classes responded by saying they owned bicycles. 60 percent of these youngsters owned a form of standard speed bicycle, as opposed to the touring bicycle. Only 63 percent of these bicycles, by these youngsters that were surveyed, had been inspected and I point out there is no mandatory inspection program, it is purely voluntary. 42 percent of these students responded by saying they rode their bicycles after dark and only 18 percent of their bicycles had lights. 51 of these student rode on sidewalks. 51 of these students played games on their bikes. 49 percent of these students carried someone else on their bicycles and these were not bicycles built for two. 11 percent had had an accident with a car while riding and only 64 percent of these youngsters ever stopped for school busses.

In response to the teachers survey that was conducted in that fall of 1973, 83 out of 92 teachers responded by saying that bicycle safety education program at their school was inadequate, and 86 responded that nothing was being done to start a bicycle safety program in their schools. The teachers further responded by saying the most common violations of bicyclists observed by their teachers was two or three more children riding on a bicycle. 44 teachers reported seeing this violation. So, it is clear, as a result of this investment that the 106th Legislature made in surveying bicycling in the State of Maine, that there is, in fact, a need for bicycle safety education programs in our schools. I think that we should all support Mr. Carroll, in his motion to insist and I hope this motion to recede and concur will not pass.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Majority "Ought to Pass" Report, I would urge that you go along with this bill. It is a much needed piece of legislation, as

proven in the last few years. We have had some accidents and it is an important program and it doesn't involve expenditures of the sums of money that it might indicate.

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

Mrs. MARTIN: Mr. Speaker and Members of the House: I go along with this bill because my idea is, we have courses in school that are worthless that we teach our children. Here is a course that is needed and I know the police people would be very pleased to go in the schools and teach the children. It wouldn't cost any money. I know that our police department has offered their help and I think most police departments will. I hope that when you vote for this that you will ask for a roll call.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add to what Mr. Snow has mentioned a few minutes ago is these different cities and towns he mentioned, that the policemen were handling the safety program. We have the same safety program in our police department in Sanford. For the last several Saturdays, they have been conducting a school and we also have a licensing program where every bicycle that is operated in the city limits of Sanford-Springvale and have to be licensed through the police department.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I understand that the schools are required to teach safety in all the schools and I understand all this bill does is include bicycle safety after the safety.

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 from Auburn, Mrs. Lewis, that the House recede and concur on Bill, "An Act to Require Bicycle Safety Education in Public School" House Paper 1079, L. D. 1359. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Birt, Bowie, Eysers, Carey, Connors, DeVane, Drigotas, Dudley, Durgin, Dyer, Farnham, Fenlason, Garsoe, Gray, Hewes, Hunter, Immonen, Jacques, Laffin, Leonard, Lewis, MacEachern, MacLeod, Maxwell, Perkins, T.; Peterson, P.; Raymond, Sprowl, Torrey, Walker, Webber.

NAY — Albert, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Boudreau, Burns, Bustin, Call, Carpenter, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Doak, Dow, Farley, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Hall, Hendersson, Hennessey, Higgins, Hinds, Hobbins, Hughes, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Lewin, Lizotte, Lovell, Lynch, Mackel, Martin, A.; McBreairty, McKernan,

McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, T.; Pierce, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Stubbs, Talbot, Tarr, Theriault, Tierney, Truman, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship.

ABSENT — Ault, Blodgett, Churchill, Davies, Faucher, Gauthier, Greenlaw, Hutchings, Littlefield, Lunt, Mahany, Martin, R.; Morton, Norris, Post, Spencer, Strout, Susi, Teague, Tozier.
Yes, 33; No, 96; Absent, 21.

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

Thereupon the House voted to insist.

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

House Divided Report — Majority (11) "Ought to Pass" — Minority (2) "Ought Not to Pass" — Committee on Transportation on Bill "An Act to Repeal Provision for Lighted Headlamp on Motorcycles Using the Highway" (H. P. 901) (L. D. 1088)

Tabled — May 12, by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Bustin of Augusta to Indefinitely Postpone Bill and Accompanying Papers.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to see this bill in its position on the calendar this morning and particularly pleased to see, just prior to a vote on this bill, an overwhelming vote on bicycle safety. This bill, of course, that we are talking about now, deals with motorcycle safety. The bill before us, on which the indefinite postponement motion has been made is a repealer of the motorcycle headlight law. I would hope today that any effort to table this particular bill would be opposed, if that comes. I know from my personal contact with House members that at least 98 percent of you have made up your mind which way you are going on this issue. An attempt to table would only have as a desired result a possibility of reviving the engine of the motorcycle clubs over the weekend in an effort to bend arms to change votes.

First, I want to apologize to the gentleman from Westbrook, Mr. Laffin. When I distributed the material, the newspaper editorial, to you yesterday I inadvertently put it on the back side of one page of his flyer on capital punishment. It was not my intent to do that and I hope you will not draw any conclusions from that mishap.

The point of the newspaper editorial which I distributed to you — I would like to make one point about it. I do see a difference between the motorcycle headlight law and the helmet law. Personally I have not made up my mind as to how I will vote on the repeal of the helmet law, but there is a big difference between the two. In the instance of the motorcycle headlamp law, there is more than just the interest of the cyclist at stake. There is also the interests of the motorists. No motorist wants to hit a motorcycle. When the headlights are on, as it says in the editorial, you can see the motorcycle better, hence, less will be hit.

I think, again, I would like to point out to you that in spite of the statistics recited to

you by Representative Goodwin of South Berwick, relative to Florida, Illinois, Indiana and Arkansas and other states, and I would point out to you these are statistics of the American Motorcycle Association, that the most important statistic is the one which appeared beneath the editorial I distributed yesterday, that is a Maine statistic, dealing with Maine lives. 5,000 more motorcycles on the road last summer, one less fatality than the year before. Mr. Speaker, I ask for the yeas and nays on the indefinite postponement motion.

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

Mr. McBREAIRTY: Mr. Speaker and Members of the House: I considered asking Representative Gail Tarr to speak on this bill but felt it would be taking unfair advantage of Representative Bustin.

I rather feel on the spot here today. After asking that L. D. 1088 be tabled, I was told that we had plenty of votes and should have let it go through. If it loses today, I will have to assume that by speaking, I killed my own bill.

As many of you know, I have a motorcycle. The last few years, Mum and I have had several very enjoyable trips. Our last trip was to Nova Scotia and round the Cabot Trail. I intended to ride my motorcycle to Augusta this week, but after visiting several of my constituents Saturday, with all the lights on, I ended up with a dead battery. After several attempts to start the thing Sunday morning, I gave up and rode back to Augusta with Representative Peterson.

Why did I sponsor L. D. 1088? I sponsored L. D. 1088 because I think it is wrong for the state to pass laws which single out certain groups and try to protect them without proof they are being protected. I am not going to bore you with statistics, but I would like to remind you that the reduction of only one motorcycle fatality this last year might have been due to the reduction in the speed limit rather than the headlight law. I also would like to remind you that it seems strange that the state should be so concerned about motorcycle people, when thousands of children ride bicycles on the streets and highways without lights or safety equipment of any kind. Many of them don't even know which side of the road to use. Pedestrians walk on highways at night with dark clothing without safety equipment or lights. Over 100 people attended the hearing in favor of L. D. 1088. We had practically no opposition to the bill. One reason that I asked that my bill be tabled was so I might have reproduced and put on your desks a letter I received from a very special motorcycle club, who testified at the hearing in favor of L. D. 1088.

In case you might not take the time, I am going to read the letter I received. It is the Blue Knights, Int. Law Enforcement Motorcycle Club. Representative James McBreairty, State House, Augusta. "Dear Mr. McBreairty: First I would like to introduce the Blue Knights Motorcycle Club. We are, at this time, the largest police motorcycle club in the country. The membership is made up of full-time law enforcement officers with chapters in fifteen (15) states. The Blue Knights were formed by a group of Bangor-Brewer police officers last year, and we now have a membership of over 400.

"The purpose of this letter is to advise

you of the position the Blue Knights, Inc. has taken in respect to the following legislative documents.

"L. D. 1084, an act to repeal requirements to wear motorcycle helmets. Vote: unanimous to repeal the helmet requirement.

"L. D. 1087, an act pertaining to the height of motorcycle handlebars. Vote: unanimous in favor of removing the 15 inch requirement.

"L. D. 1088, an act to repeal the requirements for motorcycle headlights to be on. Vote: unanimous in favor of repealing the light requirement.

"In summary, the Blue Knights Motorcycle Club unanimously agrees that you cannot legislate common sense. We do, however, strongly recommend that motorcycle operators use protective headgear, drive with headlights, wear appropriate eye protection and keep the mechanical and physical design of the motorcycle within safe limits."

"If, at any time, we may be of service or assistance to you, please do not hesitate to call. Sincerely, Charles Shuman, President; Wayne LaBree, Vice President; Donald LaBree, Secretary; Elwood Gallant, Treasurer."

In your automobiles, you have a choice as to whether you run your headlights in the daytime, wear helmets, use seat belts. Even if you did all these things, I am sure you would resent being fined if you should happen to forget or through no fault of your own be unable to comply. L. D. 1088 is asking that we who ride motorcycles be given equal protection of the law.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House. I think that we are all in agreement on this that we want safety and I believe that the requirement that headlights be on is a real safety feature that we should retain. As to how important this is, I think this is evidence in that direction that there was this bill, 1084, having to do with motorcycle helmets repealing the requirement for it, and our Department of Transportation indicated that this might threaten our highway funds from federal if this bill went through which repealed this requirement which would indicate as to how, in Washington, they feel that these features are very important safety features. I mention that just to point out that the same motivation existed on both bills; that these people feel it is an infringement on their liberty to ask them to do or not to do something. I believe that the convincing argument against the repeal of the headlight requirement lies right in the letter that the gentleman from Caribou, Mr. MacBrearity, has just read to you I would like to take this one section, and this is from the Blue Knights Motorcycle Club, which says "We do recommend that motorcycle operators use protective headgear, drive with headlights." Now, they do endorse the concept of using these headlights; they recognize it as an important safety feature.

I want to ask you this question. You were all around here and you were all driving before the law went into effect and did people of their own volition use headlights? They did not. It was only after we put the law on that large numbers of motorcycle users started to use headlights. So even those who oppose the use of them recognize the importance of them as a safety feature, they want to have the freedom to do it, and given the freedom,

they won't do it. So, I think it behooves us to keep the law as it is now, and defeat this bill.

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

Mr. FRASER: Mr. Speaker and Ladies and Gentlemen of the House: This being part of transportation business, I feel I would say a few words on it. Two years ago, when this bill was passed, of course it came before our committee, and the evidence heard there just about half convinced me, maybe a little bit more, the sponsor of the bill being a good friend of mine, I went along with it. When it came to the floor, it was a recorded vote and my vote was recorded accordingly. About a week after I was home after the session, one Saturday morning about 20 of these young motorcyclists drove into my backyard and as many of us could, got up on my back porch and being a timid sort of a person, I didn't know what to expect and I was slightly nervous. But after talking with them a little while, I found they were young gentlemen and they gave me many of these same reasons that Mr. Goodwin gave us here yesterday so I said "Okay, when I go back, I will do what I can for you," and here I am, I am going to do it.

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

Mr. GOODWIN: Mr. Speaker and Men and Women of the House: I won't belabor this issue. I feel I covered most of my points two days ago and most of you have been lobbied quite hard on this bill one way or another. What I would like to do is sum up a few points we made two days ago and discuss a couple of things that were said today.

First of all, in the paper that Mr. Bustin sent around to you where he wrote about the one less death, I think Mr. MacBrearity hit it right on the head when he said this is probably due to a lower speed limit than the headlight bill, because I would like to point out, I won't give you the statistics from the other states, I will give you the statistics from the State of Maine that Mr. Bustin has so handily left out of his testimony.

It is true there were 12 deaths in '73 and 20,700 registered motorcycles; however — and there were 11 deaths in '74 and 25,800 registered motorcycles, 5,000 more. The figure that he did not tell you was that in '73 there were 699 accidents and in '74 there were 771 accidents. In other words, in '73 there were 28 accidents per 1,000 registered motorcycles. So I think that you should — this is in the state of Maine, these figures are from the Statistics Division of the Motor Vehicle Department, Augusta, Maine. I think that you should take these into account when you decide whether or not the headlights have actually reduced accidents. According to the statistics developed by the Bureau of Motor Vehicle, they have not.

In the absence then, therefore, of any positive evidence, I would like to just touch on the negative facts which I feel that we must consider today as members of this legislative body. One, because of the central location of the headlight on a motorcycle, if that bulb burns out during the course of operation and the rider does not know about it or he forgets to turn it off, people may have become so used to that headlight on that they may not be able to tell which direction the motorcycle is moving in or they may be so in tune to seeing that light that they completely shut off if they don't — completely shut out of

their mind the fact that there is a motorcycle on the road.

But I think the most important thing to remember, and this is the thing that bothers me the most as a motorcyclist, that with a full time lights-on operation, according to federal regulations, your tail light must be on at the same time the headlight is on, and the thing that bothers me the most is the fact that on a bright sunny day if I have my headlight on, my tail lights on and in many bikes, mine included, the intensity difference between a tail light and a brake light is not significant enough so that the average motorist will recognize it when I put my brakes on. And if a person does not see me coming when I am on my side of the road, and say he pulls out to pass, at least I have the option (if my headlight is off) I have the option to perhaps avoid him, whereas if he starts coming into me from behind, it is very difficult for me to know that, especially if he's tailgating me and I hit my brakes. I think that is a very important point to remember.

Due to the frequency of headlight failures, I had several last summer and I rode with people who had several, we are placed in an awkward position that if our headlight does burn out, we're on the road, we're either forced to ride illegally or we have to pull our bike over to the side and leave it there and try to go and get a replacement part.

The other point that I would like to bring out, in an accident, if your headlight is damaged, this is your word against the driver of the motor vehicle on whether or not your headlight was on. Now, as I said, there haven't been any cases in Maine on this but there have been in other states; fortunately, the ones I can find, that argument has been thrown out of court, but it is just a matter of time before the courts will find a fine against the motorcyclists on that point.

I think the last point I would like to make is the responsibility that this particular law places on a motorcyclist. It seems to be based on the assumption that a motorcycle is a dangerous vehicle and should be equipped with some kind of a warning device. Contrary to the evidence that over 60 percent of the automobile motorcycle collisions are the fault of the automobile operator, and in most cases it is because of the lack of courtesy due to the automobile operator.

So I think, as I stated before, I am not opposed to safety. I voted for the bicycle safety program because I think it is consistent with my stand of two years ago, when I introduced the motorcycle driver-training bill, I feel that this bill, and I would also like to address myself to the point that Representative Susi made — I feel many motorcyclists before this law went into effect did ride with their headlights on. I generally do, I generally did, ever since I have had my bike, especially on cloudy days or overcast days, days when I felt it might be difficult for persons to see me, but on a bright, sunny day, I generally did not ride with it on, or I didn't until this law came into effect.

So, I feel that without any positive evidence to the contrary, I feel we should vote against the motion of indefinite postponement and support the 11 to 2 committee report of Ought to Pass."

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

Mr. MILLS: Mr. Speaker and members of the House: I've been sitting here

listening to the remarks pro and con on this. I don't find any statistics will help you driving a car if you meet a motorcycle, but I do know that last Sunday afternoon late, coming down at dusk on the Airline from Calais to Bangor, that we met four of these motorcycles and that is a heavily wooded road and parts of it at that time of the day are really dark. We met four of the motorcycles coming there and they were cutting the corner just a little, not bad but a little, but they had their headlights on, which gave us a chance to slam on the brakes and slow down. Now that very well could have been a bad accident of a car and four motorcycles if they didn't have those headlights on. That is the reason I supported keeping these headlights on two years ago and I will maintain the same vote today.

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

Mrs. TARR: Mr. Speaker, Could I ask the Committee Clerk to read the report, please.

Thereupon, the Report was read by the clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: I hope you do not indefinitely postpone this bill. One of the gentlemen from Old Orchard who is a retired Army man came over to speak to me about it and one part of the conversation was due to accidents with cars. Many times cars play games with the motorcyclists and he said they try to see how close they can come and then they go on their way. He has always traveled by bike; he has been in the Army, overseas, he has been in Spain and Italy, Japan — he's always traveled this way and in the states on his vacation. He has found that his lights and batteries run down much faster having his lights on and he figures that if he is on one side of the road, he has his lights on, if the car is on his own side of the road, it doesn't make any difference anyhow, they wouldn't collide, but he would like to have this bill repealed so that he wouldn't have to keep his lights on all the time.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker and Members of the House: About the first of the week, I called the Law Enforcement Agency in Washington County in Machias and four out of five supported this bill. Then I called the City of Ellsworth, the Law Enforcement Agency there and five out of six of these, including a state trooper and a chief of police and they supported this bill. I thought I would pass this information out.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Again, I speak as a man who is interested in this and also a motorcycle rider and also a professional motorcycle racer a few years back. As a matter of fact, I brought the title back into this country from Canada for two years in a row.

I used to ride from New York City every weekend when I was on leave back in the forties, I was in the hospital there and I used to come down and I can tell you one thing right now, there isn't any worse highway than there is on the Merritt

Parkway. I used to drive about 1,000 miles a week, I used to put on the motorcycle.

Now, I want to quote you some statistics as far as batteries are concerned, last year, the motorcycle shop did 72 percent more battery business than they did the previous year when we didn't have the law. Now, these motorcycles cannot stand — it's a little battery 4 inches by 3 inches wide and that little battery cannot stand that and that generator cannot stand it either. So it has been an awful cost to them. Also when that headlight is on, out of the 34 horsepower that most of these big motorcycles have, it takes about 2½ horsepower to run that alternator or generator. So again, you're using more energy and it is costing more money for them to ride it.

At the hearing, we had but three gentleman who appeared at the hearing in opposition to this bill, and that was the Department of Transportation. State police didn't appear against the bill, sheriffs didn't come in and appear against the bill and neither did the police, so I don't know what the objection would be and it came out of committee, 11. I don't know of any bill that came out of committee so good that if the law was so terrific, why would it come of the committee that good? So I would urge you to pass this bill and to let us try it out a couple of more years without the headlights and if they want to run their headlights, there's nothing in the law that says they cannot have their headlights all day. I will tell you one thing right now, you have that motorcycle behind you for three or four miles with that headlight beaming in your mirror, even during the day, that thing will reflect in your eyes and I know darn well that you're not going to like it, and you're either going to stop and let that motorcycle go by you or ride behind the motorcycle with that red light showing on their tail light and you're not going to like that either.

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

Mr. CAREY: Mr. Speaker, I have been listening to Mr. Jacques for some time now during the 106th and what have you, and I am continually amazed by the facts that he presents this legislature, and I would be very interested, for instance, in having him substantiate to me the fact that it takes 2½ horsepower to light a lamp, especially in the fact that you can lift a bridge with a 25 horsepower motor.

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

Mr. JACQUES: Mr. Speaker, I just want to answer the gentleman from Waterville, Mr. Carey. If you know that it can lift a bridge right but if its geared right, it will lift a bridge up, and I can guarantee you that 2½ horsepower it takes to alternator up and all he's got to do is try to turn that alternator when there's a load on it and he'll see how far he can turn it.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't planning on speaking on this bill but I feel I have to, because during the 106th I vigorously fought against and spoke against this bill, but I have changed my mind and I am going to support this bill and I would like to give you a couple of reasons. That is, during the 106th and now during 107th, I travel the Route 201 every day of the week back and forth, just about every night, and although I was under the impression that the crazy drivers in this state were from

Massachusetts, believe me when I tell you that the crazy drivers are from Maine. I have seen more almost accidents along 201 and I am amazed every day, along with my colleague, Mr. Mulkern, who rides with me, that we haven't seen a drastic accident along that route.

I also want to relate to you that it catches my eye quick when I look in my rearview mirror and find a motorcycle behind me with its lights on and the fact we have, as the gentleman from Augusta has pointed out, there are 5,000 more motorcycles on Maine roads than there were during the 106th. I stood here just a couple of months ago, or a month ago, and asked you to support a handgun bill, I don't want to bring that subject up again, but I had asked you to support a handgun bill, only for the reason that it might save a life, and the gentleman from Augusta, Mr. Bustin, has said, and I don't know whether this is attributed to headlights or not, but one life was saved because instead of two deaths, there has been only one death.

So, in order to stay within consistency within myself, I am changing my mind and I am going to vote for this and maybe for the reason, like I said, because I travel that road every day and I see motorcycles, I see cars, I see trailer trucks playing games on that road every day, and it amazes me to no end that no major accidents has happened in the time that I have traveled that road, at least that I have seen. It is going to happen; it is going to come.

Although I fought vigorously against this bill the last two years, I do hope that you will support this bill for safety reasons.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: About 8 years ago, when I started riding a motorcycle with my husband, I noticed that he had the light on in the daytime and I was very quick to criticize and say, why do you have the light on? He said, well, you know we live on the coast and it gets pretty foggy and, frankly, I don't want to get killed. I said, well, doesn't that run your battery down and he said, no, I fixed it so the light comes on automatically when the engine starts and it doesn't run the battery down much at all. He has been riding, I guess, since he could get a license. I asked him about somebody running into you from behind. He said, well, maybe they will see me in this fog before they run into me. I said, I see a lot of people who don't have their lights on, why don't they have their lights on and he said, it just takes a certain amount of common sense to know to do this and some people just won't do it anyway and probably we ought to have a law that says this.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Before we take the vote, Mr. Speaker, there is only one thing that needs to be cleared up. The House Chairman of Transportation has told you that he once agreed with the law as it is now and then he changed his mind, and also Mr. Jacques has raised a question about why such a report, if this is such a good law. The truth can now be told. It wasn't those 20 cyclists, the problem was that Mr. Fraser and I played 10 games of cribbage in the House Retiring Room and I won 8.

Mr. DeVane of Ellsworth moved the previous question.

The SPEAKER: In order for the Chair to

entertain a motion for the previous question, it must be the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and obviously more than one third of the members present having voted for the previous question, the motion was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now?

A vote of the House was taken.

96 having voted in the affirmative and 13 in the negative, the main question was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Bustin, that this Bill and all its accompanying papers be indefinitely postponed. The gentleman from Augusta also requested a roll call.

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

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

The SPEAKER: The question now before the House is the motion of the gentleman from Augusta, Mr. Bustin, that L. D. 108, Bill "An Act to Repeal Provision for Lighted Headlamp on Motorcycles," be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

YEA — Bachrach, Bagley, Berry, P. P.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carroll, Chonko, Clark, Curran, P.; DeVane, Doak, Durgin, Dyer, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hewes, Higgins, Hinds, Hughes, Joyce, Kany, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Littlefield, Lizotte, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, Mills, Miskavage, Mitchell, Morton, Mulkern, Najarian, Peakes, Perkins, S.; Pierce, Raymond, Rollins, Saunders, Smith, Snow, Snowe, Stubbs, Susi, Talbot, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner.

NAY — Albert, Bennett, Berry, G. W.; Churchill, Connors, Connolly, Cote, Cox, Curran, R.; Curtis, Davies, Dow, Drigotas, Farley, Faucher, Fraser, Goodwin, H.; Henderson, Hennessey, Hobbins, Hunter, Immonen, Ingegneri, Jackson, Jacques, Jensen, Kauffman, Kelleher, LaPointe, Lewin, Lewis, Lovell, Lynch, Mackel, McBreairty, McKernan, McMahon, Morin, Nadeau, Norris, Palmer, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Shute, Silverman, Spencer, Sprowl, Strout, Tarr, Truman, Walker, Webber, Wilfong.

ABSENT — Ault, Blodgett, Carpenter, Carter, Cooney, Dam, Dudley, Gauthier, Hutchings, Jalbert, Lunt, Winship.

Yes, 77; No, 60; Absent, 12.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty in the negative, with twelve being absent, the motion does prevail.

The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I now move that the House reconsider its action whereby this measure was indefinitely postponed and I hope you will vote against me.

Thereupon, Mr. Strout of Corinth requested a vote.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, having voted on the prevailing side now moves that the House reconsider its actions whereby this Bill was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 76 in the negative, the motion to reconsider did not prevail.

Sent up for concurrence.

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

Senate Report — "Ought to Pass" as amended by Committee Amendment "A" (S-127) — Committee on Legal Affairs on Bill "An Act Permitting Certain Graduates of Vocational-Technical Institutes to Take the Journeyman's Examination Given by the Electricians' Examining Board, the Oil Burner Men's Licensing Board or the Plumbers' Examining Board" (S. P. 335) (L. D. 1121) — In Senate, Bill passed to be engrossed. (Committee Amendment "A" — Indefinitely Postponed)

Tabled — May 12, by Mr. Berry of Buxton.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-127) was read by the Clerk, and on motion of Mr. Faucher of Solon, the Amendment was indefinitely postponed in concurrence.

The Bill was assigned for second reading tomorrow.

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

House Report — "Ought to Pass" as amended by Committee Amendment "A" (H-286) — Committee on Legal Affairs on Bill "An Act Relating to Executive Sessions of Public Bodies or Agencies" (H. P. 722) (L. D. 899)

Tabled — May 12, by Mr. Dam of Skowhegan.

Pending — Acceptance of Committee Report.

Thereupon, on motion of Mr. Faucher of Solon, the "Ought to Pass" Report was accepted and the Bill Read once.

Committee Amendment "A" (H-286) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act Relating to Public Rest Room Facilities in Department Stores and Supermarkets" (H. P. 1312) (L. D. 1593)

Tabled — May 12, by Mr. Finemore of Bridgewater.

Pending — Passage to be Engrossed.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that except for one person had an "ought not to pass" report. The gentleman who was to present this bill, unfortunately, could not make the hearing, so the Chairman of the Committee gave him a Leave to Withdraw

Report and that Leave to Withdraw has been turned into a substitution of the bill for the report.

We heard the gentleman who wanted this bill passed earlier say there were problems with that bill and that he would present an amendment which would grandfather those stores that are already built, that they would not have to comply but they would only have to put these facilities in new stores.

Now, I don't know if the gentleman from Orono, Mr. Wagner, is playing games with this thing, but I would like to remind the gentleman that the only thing we have to give down here is our word and I would certainly hope that the gentleman would take this as a kind warning, that when somebody gives their word they are going to do something, we expect them to keep their word and it is for that reason, Mr. Speaker, that I would move indefinite postponement of this bill.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I am flattered that I am the gentleman to whom apparently Mr. Carey alludes.

I have no knowledge of the agreement of which he refers. It is true that I was not able to be at the hearing; I was out of state that day and I did not know, as I explained earlier, until the morning I came in and found this item on the calendar that the committee had reported this out Leave to Withdraw. It was for that reason that I did feel strongly on this bill and it was for that reason that I asked the House substitute the bill for the committee report.

It is my understanding from some of the members of the committee that there were some objections expressed from department stores, mainly the Chamber of Commerce, in regards to facilities, stores and supermarkets with existing facilities that might be on septic tanks and not have access to municipal facilities.

I am perfectly agreeable to this body considering that position. My own feeling is and let me make a few remarks as to what my feelings are on this. We listened this morning to several discussions on the question of education and safety of bicyclists and motorcyclists and I don't think this is necessarily in that same category but I do think this proposal does deal with convenience of the general public. I think there has been considerable confusion on this particular restroom legislation because there have been a number of bills proposed. There was the "Faucher No Pay Bill", which would abolish all pay toilets, this bill is pending passage. If it does pass, it may have the effect of reducing the number of public restrooms available, since many establishments have threatened to simply close their toilet doors to the public. In light of this possibility, I strongly feel the necessity of mandating public restroom facilities in critical areas of public congregation.

Mr. Birt had a bill that required public restroom facilities in shopping centers. This bill, I understand, died in committee. The present bill is similar in intent. It would require public restrooms in supermarkets and department stores with 10,000 square feet of sales area; 10,000 square feet, ladies and gentlemen, is 100 by 100 in dimensions or approximately a quarter of an acre. This is exclusive of storage and office areas. The corner grocery stores, father, mother, mom and pop stores, would not be affected.

I feel that most retail outlets who have a quarter of an acre or more of sales area

are well able to provide the courtesy of restrooms to paying customers. The average family spends more than \$2,500 a year in supermarkets, for which they should be entitled to toilet privileges. I feel.

Picture further, if you will, a mother with small children, doing her Christmas shopping in a large shopping center. Suddenly little Johnny has an urgent call, and in the absence of public in-house facilities, the mother has to rush the children into several layers of outside clothing, dash out into the slush and sleet to her car at the far end of the shopping center, then drive, perhaps, a half mile to the nearest gas station in hopes she is in time. After herding the children to the facilities of the gas station, and hopefully, leaving them as clean as she found them, she then leaves the station without having given any business to the small, independent gas station businessman and returns with her money and business to the multi-million dollar department store. I submit that this is an unfair subsidy provided by the small gas station operator to the large chain stores.

Just a couple of other comments of a more general nature. Some 20 years ago, I served with NATO Forces in Europe and France for about a year and a half. One fringe benefit of that tenure in a cold warrior was to travel rather extensively in Western Europe. Two small but perhaps significant impressions of that travel remain with me. One was the fact that roadmaps are not free for the asking at gas stations. The other striking contrast was the absence of public restrooms. Where public facilities were available, there invariably was an attendant and an outstretched hand awaiting payment, the marvel of the coin slot technology had not yet reached Western Europe. A few cities like Paris, maintained those charming iron sidewalk curiosities, which so fascinated generations of tourists. I understand they have disappeared now. Aside from these, the only free facilities I encountered were in Great Britain, where apparently an Anglo-Saxon tradition exists of free municipal facilities.

I do not suggest that free restrooms is the cornerstone of cultural attainment of American vs. Europe civilization, but I do think it reflects a concern for the humble needs of the ordinary citizen.

As gas stations became a standard feature of the American countryside a half century ago, the free public toilet was an integral part of the service extended to the traveler. As the shopping center approach to retail sales developed after World War II, developers in municipalities ignored their responsibilities to provide the restroom facilities for their place of business in which large numbers of the public congregated. The landlords in the municipalities, I think, have a certain burden of responsibility to bear for that. Nonetheless, that is the existing situation.

On the basis of this, on the basis of the convenience and responsibility to the public, I hope that the members of this House will support this bill. I ask for a division when the vote is taken.

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

Mr. CAREY: Mr. Speaker and Members of the House: If the gentleman has a problem trying to remember the conversation that he had with me that some people on this floor may very well remember, then I will prepare the amendment that he was going to prepare

that would grandfather those stores which do not have the space available, which have got a problem of trying to tear up a yard to get into a septic tank which may not be designed for the system that he is now talking about, and I will prepare the amendment which would grandfather the present stores and then say that it would be a requirement of the new construction.

I think we have to keep faith with those people that did build. This was not a requirement on their part and I don't own 100,000 square foot store. I don't even have a lot to put my house on that has 100,000 square feet in it. I certainly would not be affected by this. I do feel that in all good conscience we should protect those people who built with the intention of satisfying the law as it was then. If someone will table this, I will take it upon myself to prepare the amendment.

On motion of Mr. Talbot of Portland, retabled pending the motion of the gentleman from Waterville, Mr. Carey, to indefinitely postpone and specially assigned for Monday, May 19.

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

Bill "An Act Amending Certain Laws Relating to Games of Chance" (H. P. 483) (L. D. 602) (C. "A" H-279)

Tabled — May 12, by Mr. Burns of North Anson.

Pending — Passage to be Engrossed.

On motion of Mr. Burns of Anson, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-339) 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: This amendment includes or is designed to include a new gambling device that has come on the scene that did not meet the specifications of the law under slot machines. It was determined by the Attorney General that this machine would be legal in the State of Maine if the law was not changed. We have, therefore, drafted this piece of legislation in the hopes that the equipment could be made illegal.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of House Amendment "A" to Committee Amendment "A".

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves indefinite postponement of House Amendment "A" to Committee Amendment "A".

The gentleman may proceed.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: Under the present games of chance law, we have what they call the Lucky 7, we have the punch boards which we have no control over. In other words, these punch boards or these Lucky 7's can be made to pay off whatever they want to and they are perfectly legal.

This type of machine that would be introduced in the first place is only sold to a nonprofit organization; it is a machine that is visible. I have talked with the Chief of the State Police recently. He tells me that he sees no problem with those machines. They are electronically controlled and they are just as

electronically controlled as the tote machines that you have at your race track or your pinball games and so forth. I feel that these machines, which under the present law are legal, which would be declared illegal if this amendment presented as the gentleman from Anson, Mr. Burns, has presented, therefore I hope that the majority of the committee of eight saw fit to vote "ought to pass" as amended by committee Amendment "A" and I hope we sustain this this morning.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: As part of the committee who voted with Mr. Cote, I rise to support him on this motion to kill this amendment, because the state police in their testimony before our committee had no objections to this machine. When they first came in they felt the machines were going to be a problem but we have found the Attorney's General Office, yes, they had problems but the state police felt they had no problems whatsoever with these machines.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: We voted the other day 124 to 15 not to go along with gambling in the State of Maine. However gambling is wide open in the State of Maine in the so-called private clubs. What a private club is, or a nonprofit club, most anybody can join and is readily available to them.

The Attorney General is having a lot of qualms with this particular type of equipment, not involved with the gentleman who is attempting to introduce it into the state at this time, but the possibility of what is going to be opened if the door is open and they are allowed in. Mr. Speaker, when the vote is taken I would ask for the yeas and nays.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: In the first place, these machines, if introduced, will be handled by our present distributors, of which there are four in the state who distribute the other forms of games of chance. They are licensed, they are perfectly under control, and there is no chance whatsoever of losing control over those machines because the state police will still have to issue the licenses which makes those machines available.

Also, I see in the very near future a potential revenue from those machines for the State of Maine. Granted, it is just going to be a small revenue, but there is a possibility that these machines can be taxed.

These nonprofit organizations who will handle those machines, what do they do with the money that they derive from these games of chance? Why, 95 percent of that money is pumped back into the community for helping blind children, helping crippled children, helping various other groups in the cities who do much to help these underprivileged children. That is where the money goes, these clubs give donations to everybody.

I was talking to Trooper Cox and Trooper Cox told me this; he said he was amazed, he was amazed at the money going back into the community by these clubs because they have to make a report, this is where they get the control, every month a report has to be made to the state police of the money taken in and of the

money expended. Everything is written down. He was amazed at the money that was turned back right into the community by these nonprofit organizations.

I know a nonprofit organization in Lewiston which is not a club, but it operates a beano every Friday night, and there is a gentleman here in this House, one of my colleagues, Mr. Raymond, who is part of that organization, he helps with those beano's. They keep anywhere from 100 to 200 kids going away from — they are not in the streets. They have a drum and bugle corp, the parents are involved. They see the kids go in the right direction. We, two years ago, in fact, gave a distinction to this group which are called the Pine Tree Warriors and we now call them the Marching Ambassadors of the State of Maine. They represent the state all over the New England States and money from the beano's derived by them in part pays for that, I should say all of the money, besides what other money they collect and they don't make enough from that. We are very proud of that group. People go to these beano's or they would go to another place for it and all this money is expended for those kids.

This is what your organizations nonprofit, the Elks, the VFW, the American Legion, the social clubs and so forth. This money is put to good use because it is returned to the community. I hope we defeat this amendment.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I support this amendment. This is a machine that sells for approximately \$5,500. I was interested in seeing one and they were going to fly three of them in from Las Vegas; they never arrived. I think it is trying to open the door to get the one-armed bandits back here. I have no objections to the games of chance that are played at these clubs now.

These machines initially would be used only in nonprofit organizations, but isn't that where it all starts? They expand from there and I feel you will have one in every drug store, with the exception of Partridge Drug, and you probably would have them in every barroom in the state before long and I urge not to support it.

Mr. Cote of Lewiston was granted permission to speak a third time.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: The law does not permit these machines at the present time to be put in drug stores or any other place. They are under the control of the State Police. They only can be put in to nonprofit organizations.

It seems that every time that you talk about changing the way of games of chance, somebody always objects. A few years back, if you remember, we used to have — we still have the pari-mutuels, we had one way of betting, they had the straight betting on the horses, win, place and show. Then they came along with the daily double, now they have got the quiniella, they have got the exacta, they have changed some of their ways in which they gamble at the race track. The only thing that the nonprofit organization is doing, in order to keep interest and the money coming in so it may be expended for good purposes, this is only one of the ways of doing it.

Everybody burst in the other day when we were talking about gambling bills, the Mafia was brought in it, Las Vegas was brought into it, it has nothing to do with the Mafia. These people are State of Mainers,

State of Maine corporations, organized as such and run by State of Mainers. So nobody can get a foot in the door, because the law doesn't permit 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. Cote, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, P. P.; Berube, Bustin, Byers, Call, Carey, Carter, Chonko, Clark, Connolly, Cooney, Cote, Curran, R.; Curtis, DeVane, Dow, Drigotas, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Greenlaw, Hall, Hennessey, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Laffin, LaPointe, Laverty, LeBlanc, Lizotte, Lovell, MacEachern, MacLeod, Maritn, R.; Maxwell, McMahon, Mills, Morin, Mulhern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, T.; Pierce, Powell, Raymond, Rideout, Smith, Stubbs, Talbot, Tarr, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Winship.

NAY — Bachrach, Berry, G. W.; Birt, Boudreau, Bowie, Burns, Churchill, Cox, Curran, Davies, Doak, Durgin, Dyer, Goodwin, H.; Goodwin, K.; Gray, Henderson, Higgins, Hinds, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jensen, Joyce, Kany, Kennedy, Leonard, Littlefield, Mahany, Martin, A.; McBreaarty, McKernan, Miskavage, Mitchell, Morton, Peterson, T.; Post, Rolde, Rollins, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Susi, Teague, Tierney, Wagner, Webber, Wilfong.

ABSENT — Ault, Blodgett, Carpenter, Carroll, Conners, Dam, Dudley, Gauthier, Hewes, Hutchings, Kelley, Lewin, Lewis, Lunt, Lynch, Mackel, Palmer, Perkins, S.; Peterson, P.; Quinn, Saunders.

Yes, 76; No, 54; Absent, 21.

The SPEAKER: Seventy-four having voted in the affirmative and fifty-four in the negative, with twenty-one being absent, the motion does prevail.

Thereupon, Committee Amendment "A" was adopted.

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

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

Mr. COTE: Mr. Speaker, I now move we reconsider our action and hope you all vote against me.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves that the House reconsider its action whereby this Bill was passed to be engrossed as amended. 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.

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

Bill, "An Act Concerning the Purchase

of Tax Delinquent Land by Municipal Officials" (H. P. 941) (L. D. 1180) (C. "A" H-284)

Tabled — May 12, by Mr. Dam of Skowhegan.

Pending — Passage to be Engrossed.

Mr. Shute of Stockton Springs offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-334) was read by the Clerk and adopted.

On motion of the same gentleman, the House reconsidered its action whereby Committee 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" and sent up for concurrence.

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

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 12, by Mr. Rolde of York.

Pending — Adoption of House Amendment "A" (H. P. 249) (Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question is on the adoption of House Amendment "A". All in favor of House Amendment "A" being adopted will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Bachrach, Bennett, Birt, Boudreau, Burns, Bustin, Byers, Call, Carey, Carroll, Carter, Clark, Cote, Cox, Curran, P.; Curran, R.; Curtis, DeVane, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Hall, Hennessey, Hewes, Hinds, Hobbins, Hunter, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kauffman, Kelleher, Laffin, Laverty, LeBlanc, Leonard, Lewis, Lizotte, Lovell, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McBreaarty, McMahon, Mills, Miskavage, Morton, Mulhern, Nadeau, Norris, Peakes, Perkins, T.; Pierce, Powell, Raymond, Saunders, Shute, Silverman, Snow, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Truman, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong and Winship.

NAYS: Bagley, Berry, G.W.; Berry, P. P.; Berube, Bowie, Chonko, Churchill, Connolly, Davies, Doak, Gould, Greenlaw, Henderson, Higgins, Hughes, Immonen, Jalbert, Kany, Kennedy, Littlefield, McKernan, Mitchell, Morin, Najarian, Perkins, S.; Peterson, T.; Post, Rideout, Rolde, Rollins, Smith, Snowe, Spencer and Wagner.

ABSENT: Ault, Blodgett, Carpenter, Conners, Cooney, Dam, Dudley, Gauthier, Hutchings, Kelley, LaPointe, Lewin, Lunt, Lynch, Mackel, Palmer, Pelosi, Peterson, P.; Quinn, Torrey and Tozier.

Yes, 94; No, 34; Absent, 11.

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

Thereupon, 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 fifteenth item of Unfinished Business:

Bill "An Act to Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State" (S. P. 205) (L. D. 695) — In House, Passed to be Engrossed as amended by House Amendment "A" (H-251). — In Senate, Passed to be Engrossed as Amended by Senate Amendments "A" (S-102) and "B" (S-128), in non-concurrence.

Tabled — May 12, by Mr. MacEachern of Lincoln.

Pending — Further Consideration.

On motion of Mr. MacEachern of Lincoln, the House voted to recede.

Senate Amendment "A" (S-102) was read by the Clerk and adopted in concurrence.

Senate Amendment "B" (S-128) was read by the Clerk.

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

Mrs. POST: Mr. Speaker and Members of the House: Not being able to find Senate Amendment "B", I have a question I would like to pose through the Chair. Does this bill, with the various amendments, require the county commissioners to post private dumping areas in plantations, say if somebody has their own private dump? It seems as though I saw Senate Amendment "B" last night, I got that impression. Would somebody answer that for me?

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, poses a question through the Chair to anyone who may care to answer.

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

Mrs. POST: Mr. Speaker, it says, it shall be unlawful for any person to hunt any game within 200 feet of any dumping area in the unorganized territories and plantations of the state. Does that mean private dumps?

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

Mr. FINEMORE: Mr. Speaker and Members of the House: There is no problem after July 1 because you can't have a private dump.

Thereupon, Senate Amendment "B" was adopted in concurrence.

Mr. MacEachern offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-348) was read by the Clerk.

On motion of Mr. MacEachern of Lincoln, tabled pending the adoption of House Amendment "B" and specially assigned for Monday, May 19.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Labor on Bill "An Act Relating to Negotiated Salaries for Teachers" (H. P. 1242) (L. D. 1543)

Tabled — May 12, by Mr. Finemore of Bridgewater.

Pending — Acceptance of Either Report.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank you very much for letting me table this and I want to thank the Labor Committee for letting me have a chance to get this on the floor.

What I would like to do is make a motion for the "ought to pass" report, and I would like to speak to my motion.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House accept the Minority "Ought to pass" Report.

The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: We have done a lot of work on this, have two amendments to go on it. I would like to state my reasons — last year in my district, SAD 42, SAD 29, Presque Isle, the union that Caribou has and Ashland SAD, we spent \$36,000, each one of the towns spent \$9,000 to negotiate teachers' salaries. In our little district, District 42, we could give the teachers each \$180 raise out of that \$9,000. We have 50 teachers. It doesn't seem hardly right. This young lady that did this, there is no question but what she was capable of doing it, but it went to New York State. We sent \$36,000 outside to New York State, and that doesn't seem hardly fair.

What I am trying to do in this bill, and what I hoped to do is divide it up into districts and have the districts. I have got the blessings of a lot of teachers. Of course, some teachers were against it, but I have got a great majority of the teachers who are in favor of this, and I have many in the House who I think will speak on this who are interested in teachers, and this amendment that would be placed on at second reader would make nine districts.

I might just mention one to show you what is happening and why it was divided up so. You take Cape Elizabeth, their salaries are coming up, I understand, for 1975 and 1976. Their base will be \$250. That would be the highest in the state up to this time. All right, they deserve it down there. They can afford it. They put in a lot of money of their own. They pay a big tax. I am glad to see them get it. They hire good teachers; of course, we all hire good teachers, and that district would be divided up into towns that could stand that and cities. That would be South Portland, Portland, Cape Elizabeth, Scarborough and Westbrook. One reason for this, again, is the simple reason that now down in Washington County we have teachers who aren't getting hardly any pay. Washington County would be in a district by themselves, Aroostook in a district by themselves, and over the state in a similar way.

If you would be kind enough to let me get this up to second reader and then place the amendment on and you kill it the next day, I would say I have done my share for the teachers. I think we deserve a lot, the teachers do a lot of work, they are caring for our children, they are doing their best. I want you to know that today it is no pleasure to be a school teacher, especially in any grade from the fourth or fifth grade up. Probably it is all right in the first, second and third, but after that, many of the students try to take over the school. The teachers deserve a lot of credit, and I hope you will go along and put this to second reading and accept the minority "ought to pass" report.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would like to call to your attention at the onset that this bill received a 10 to 2 "ought not to pass" report and that indeed the two members who signed the report did so at the pleading of my good friend from

Bridgewater, Mr. Finemore, to allow him to have his say on the floor. We have given him his say on the floor, and now I think we can dispatch with what at best is a premature piece of legislation and one which is a very bad piece of legislation.

The bill as currently written would abolish collective bargaining on teachers' salaries as we now know it. It would have all teachers' salaries negotiated on a state-wide basis. This would be a mandatory provision. Mr. Finemore wishes to step away from that position and have it only in nine districts instead of statewide and has taken the liberty of distributing to the House an amendment which he would like to submit. Well, I would submit to you that the amendment which he wants to put on the bill is perhaps worse than the original bill. It was drafted by a good friend of mine, Dr. John Marvin, who works for the Maine Teachers Association, and you will notice that the nine districts into which he hopes to put collective bargaining exactly coincides with the nine uniserve districts within the state, which would save his people a lot of time, but which I doubt very seriously would do the state any good.

I am trying to be rather low keyed, taking the admonition given me yesterday by the gentleman from Nobleboro and would just simply hope that we would vote against the gentleman from Bridgewater and save ourselves a lot of time.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say that the Province of New Brunswick has had this exact system of Province-wide salary schedule for seven years, and it has worked for them enough so they have retained it during that seven-year period. It seems as though it can't be all bad.

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

Mrs. TARR: Mr. Speaker and Members of the House: I have received some communication from my school district. They are not in favor of this bill. And as I look at the amendment, our school district would be included in the regional bargaining unit number nine, which would include all school units in York County, District 55, Oxford County, and District 61, which is our school in Cumberland County. My superintendent is not in favor of this. I can see a lot of problems with it. I think it started out just as negotiated salaries, but in the amendment it also includes negotiating for pensions and insurance. So I do hope that you vote against this amendment today, the whole bill, and I am glad to see that I am in agreement with Mr. Tierney.

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: At the hearing on this L.D., I appeared in opposition to passage of the bill, but I do feel that the Honorable Representative from Bridgewater, Mr. Finemore, has developed an amendment which should have its time on the floor and the merits and demerits of that amendment should be allowed to be debated. Because of that, I support the gentleman from Bridgewater, Mr. Finemore.

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

Mr. DOAK: Mr. Speaker and Members of the House: Being a member of a school

board in a small community and having seen what has been going on in the legislature for the past several weeks in regard to education, if you think you had trouble with 1994, then I suggest that you are asking for a great deal more trouble if you do pass this.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am very pleased to have the last gentleman speak and I will tell you why. I served, lacking two months, of being nine years, on a school board, as spokesman for the board for one year and was a member of the negotiating board another year. I was never so ashamed of myself in the world as when I did that. It is a shame the way the board and the superintendents work against the school teachers, it is a crying shame. They will argue and then they will turn around and spend it like I just mentioned. No harm against Mr. Doak, because he is right in what he says, but I have never seen such a time when they will go to work and hire someone to come in and spend \$9,000, when they could give each school teacher — to spend money in our own SAD district, \$9,000, \$180 per school teacher, I think it is ridiculous.

Mrs. Tarr went back home, there is no doubt in my mind, she went back home and she talked with the superintendents and board. No, the superintendent isn't going to agree with this bill. Most of them don't because they don't want to lose their grip on the school teachers. They would rather spend nine or ten thousand dollars of the state education money. This money comes out of 1994 — realize that. I am talking about four little small towns, groups, districts, and as far as putting it in, one superintendent did tell me that if I would put it in that they would negotiate on all items such as blue cross and blue shield, curriculum and everything like that, they would go along with it, but they didn't want to be left half way. They didn't want to be left in between.

I will tell you right now, ladies and gentlemen, we all criticize our teachers and stand back and criticize them, I did probably for nine years, but I got over it. You know, you can see the light after awhile; it takes a while maybe, but I will tell you right now this morning, if we get this on the floor so that everybody can see their own district, see what it would mean to their district, go back home and talk to your teachers, go back home and talk to some members of your school board, not only the superintendents. Maybe we possibly could do some good and save some money for education.

I thank you anyway for giving me the courtesy and allowing me to table it and allowing me to take it as far as it has come.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House accept the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

On request of Mr. Rolde of York, by unanimous consent, unless previous notice

was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mr. Rolde of York,
Recessed until four o'clock in the afternoon.

After Recess
4:00 p.m.

The House was called to order by the Speaker.

On motion of Mr. Rolde of York, the rules were suspended and the members were allowed to remove their jackets for the remainder of the day.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (5) "Ought to Pass" in New Draft (H. P. 1577) (L. D. 1880) — Committee on Human Resources on Bill "An Act Relating to Protective Custody of Children under Health and Welfare Laws" (H. P. 638) (L. D. 789)

Tabled — May 12, by Mr. Talbot of Portland.

Pending — Acceptance of either Report.

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

Mr. TALBOT: Mr. Speaker and Members of the House: The sponsor of this piece of legislation has an amendment that he would like to present. Therefore I would ask that somebody table this for two legislative days.

Thereupon, Mr. Davies of Orono moved that the House accept the Majority "Ought not to pass" Report.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not accept the "ought not to pass" report, because if you do, then it will not be in a position to be amended. Therefore, I would hope you would not accept the "ought not to pass" report, so that we could accept the minority "ought to pass" report, so if you want to fight the bill in any form, it will be in a position to be amended and you can do what you want to.

Ladies and gentlemen of the House, I hope you vote against the majority "ought not to pass" report and accept the minority "ought to pass" report.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Davies of Orono to accept the Majority "ought not to pass" Report and tomorrow assigned.

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

Bill "An Act to Establish the Maine Building Code" (H. P. 1346) (L. D. 1810) (C. "A" H-283)

Tabled — May 12, by Mr. Dam of Skowhegan.

Pending — Passage to be Engrossed.

On motion of Mr. Shute of Stockton Springs, tabled pending passage to be engrossed and later today assigned.

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

Bill "An Act Relating to Motor Vehicle Excise Tax" (S. P. 293) (L. D. 1018). In Senate, Indefinitely Postponed.

Tabled — May 12, by Mr. Higgins of Scarborough.

Pending — Passage to be Engrossed.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I must apologize. I have tried to amend this bill, and it has been in the Attorney General's Office for I guess four days. I just received it this afternoon and it still is not quite what I had in mind. So I would ask that somebody do me a favor and table it for two legislative days.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and specially assigned for Monday, May 19.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" in New Draft (H. P. 1580) (L. D. 1881) — Committee on Transportation on Bill "An Act Establishing the Lewiston-Auburn Airport Authority" (H. P. 247) (L. D. 274)

Tabled — May 13, by Mrs. Snowe of Auburn.

Pending — Motion of Mr. Fraser of Mexico to Accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Rolde of York, retabled pending the motion of Mr. Fraser of Mexico to accept the Majority Report and tomorrow assigned.

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

Bill "An Act Providing for the Establishment of a Pilot Project in Bilingual Education" (H. P. 1428) (L. D. 1779)

Tabled — May 13, by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed.

Mrs. Berube of Lewiston offered House Amendment "B" and moved its adoption. House Amendment "B" (H-337) was read by the Clerk.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: Just a brief explanation. The purpose of this amendment is to simply insure that this bill before us will conform to the existing bilingual education legislation which was passed two years ago by mandating into this L.D. what the present law has relative to bilingualism and it states and I quote, "Bilingual instruction shall be subject to Section 59, requiring certification of teachers by the State Board of Education in both course content and language instruction," and it is simply to insure that these courses will be properly taught.

Thereupon, House Amendment "B" was adopted.

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

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

Bill "An Act Concerning the Furnishing

of Updated Voting Lists by Registrars." (H. P. 1020) (L. D. 1299)

Tabled — May 13, by Mr. Rolde of York.

Pending — Passage to be Engrossed.

Mr. Jensen of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-304) was read by the Clerk and adopted.

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

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

Bill "An Act to Allow Certain Nonprofit Volunteer and Educational Organizations to Operate Games of Chance without a License from the Maine State Police" (H. P. 316) (L. D. 394) (C. "A" H-269)

Tabled — May 13, by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

Mr. Burns of Anson offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-331) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: As the bill currently is before you, as amended by Committee Amendment "A", I believe this would exempt the purchasing of a license for all raffles in the State of Maine. It would open the door where any organization which is qualified, which is the non-profit type organizations could have a raffle.

Now, the basic thesis of this L. D. I am in favor of. Under the current law, it requires that a \$5 registration fee be paid in order to get a license for a raffle, then it cost \$5 for each raffle that an organization desires to conduct. When the Ready Workers or Grange or another organization which conduct a raffle, they may be raffling off an afghan or a small blanket or something like this, a \$10 investment into this project may only return to them \$6, so they are losing money in conducting the raffles, and it has stifled some of the raffle in this state and the law did not intend to do that.

Now, the basic difference between the L. D. as it currently is and my proposed amendment, my amendment would change it to whereby all organizations would be required to have a license. This license would be furnished by the state police or a designee of the state police at no charge. If, when the final report is made which is required under current law, the raffle grossed over \$1,000, then that organization would be required to remit to the state police for a license fee, after the fact, of \$10. Currently, in July of '74 to December of '74, the Maine State Police took in \$8,500 in licensing fees, the licensing fees for raffles which approximately one and one-half million dollars was grossed in these raffles; this is no small business and it's growing every single day.

The second part of my amendment would require, when the tickets are printed, that the license number or the permit number would be shown on the ticket so the State Police would be able to verify this. I urge you to please adopt my amendment to this bill.

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

Mr. DeVANE: Mr. Speaker, I move the indefinite postponement of House Amendment "A" and would speak to my motion.

The SPEAKER: The gentleman from

Ellsworth, Mr. DeVane, moves the indefinite postponement of House Amendment "A".

The gentleman may proceed.

Mr. DeVANE: Mr. Speaker, I am the sponsor of L. D. 394 which is entitled "An Act to Allow Certain Non-profit Volunteer and Educational Organizations to Operate Games of Chance without a License from the Maine State Police". Before I proceed to speak further, I would ask that the Clerk read the Committee report on 394 if he would.

Thereupon, the Report was read by the Clerk.

Mr. DeVANE: The gentleman from Ellsworth thanks the Clerk. Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A", while not technically the same, is substantively the same as the Minority Report of the Committee.

For years and years in Maine, for decades in fact in Maine, organizations raised money for legitimate purposes by having what are called "raffles". In Maine law, the difference between a raffle and a lottery is simply that you sell chances, you draw it off — if the prize is money, it is a lottery. If the prize is merchandise, goods or something else of value, it is a raffle.

I filed L. D. 394 and sought an exemption for certain non-profit religious, social, educational, in other words, every reasonable, responsible organization in this state, an exemption from the requirement which is relatively new to get a license from the Maine State Police in order to conduct a lottery or a raffle. The committee, in its wisdom, and I don't say that in a tongue-in-cheek manner, the committee in its wisdom felt that perhaps lotteries should require a license and on further consideration, I believe they are right, but not a raffle.

I will tell you the kinds of raffles we are talking about here; we are talking about the raffle where you buy the ticket from the person because they were good enough to buy your tickets when you were selling them. I am talking about the raffle when you put the \$2 you were going to put in your grandchildren's card and talking about the raffle ticket that you buy with the six-pack that you were going to take back to your room. We are not talking about — it isn't amount, it is not amount, the question is whether the organizations which this act seeks to exempt from finding a state policeman who, in a very perfunctory manner, says "What do you want?" and gives them the thing and takes the \$5. It isn't the amount. Could I read this to you?

Non-profit organizations, any bona fide non-profit organization which is either charitable, educational, political, civic, recreational, fraternal, patriotic or religious or an auxiliary thereof would be exempted under L. D. 1394 from having some officer chase around town until they can find a state policeman to give the \$5 to give them the license they are going to give them anyway. It seems to me it's like Girl Scout cookies, you don't buy Girl Scout cookies necessarily because you want to buy the Girl Scout cookies, you buy them because some charming, delightful child, intent on doing something good, has come to your home and said "Would you buy these?" Your say "Certainly". If you wanted cookies, you would go to the store or you would bake cookies.

The organizations which would be exempted under 394 are organizations which have a variety of purposes; little organizations maybe want curtains for

their grange hall, maybe Anha Temple wants to run a raffle for a Burns Hospital. There has been considerable discussion in committee over the amounts of money and I don't think it is relevant one bit. A little club has little objectives and runs little raffles and a large organization has substantial purposes and runs large raffles.

I don't really know, but the Maine State Police took in, I think Mr. Burns said \$8,000. Trooper Cox told me that in a year's time they took in \$15,000. You know what that means? That means 3,000-some trips to find a State Trooper to give him \$5 and then he gives you what it is he would give you anyway because he wouldn't dare to say we wouldn't give the 8th grade class, a hospital auxiliary, the grange, firemen, we wouldn't give them a license. I asked him when he had ever turned one down? He didn't remember ever turning one down. I think if they had turned one down, this act might have been here sooner than it is.

Ladies and gentlemen, it isn't in any way necessary for the State of Maine — I wanted to distribute to the members what you have to fill out to get the license to run the raffles; but I figured that maybe I could get through the session distributing nothing and perhaps you would appreciate it, but it seems to me to ask these people the questions that are on this form is ridiculous.

Let me just say in summary, there are two things which the people of this state and people of any place in the world are concerned with; one is their money, and two is their liberty, and we have taken a little piece of each with this silly requirement.

It seems to me that we don't need to protect ourselves against the high school French Club or the Sophomore Class or any of these people. If 10 people or 10 percent of the raffles in this state will run illicitly, flat out, that wouldn't be a reason to inconvenience the 90 percent of the people of this State that belong to reasonable, responsible organizations and should not be required that their neighbors, through their government, peek in their books.

I would ask you to join me in doing what people put colloquially, please leave the people alone and I ask you to reject the House Amendment.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: The thrust of the bill and the thrust of my amendment are equal, they are the same. We don't want to see the poor old neighborhood people or the classes have to go through a lot, pay money out in order to run these raffles.

Just a little history on this. This was enacted by the second session of the 106th and really hasn't had time to get around, the games of chance as it is currently written. There is a little growing pain here in getting the thing established. One raffle, if you think you are dealing with small money, I understand that one raffle that was conducted in one night netted \$6,000 so it is not a small amount and it is something that somebody with a little crooked hand would love to get their hands onto.

Ladies and gentlemen, I hope you join me and oppose the vote for indefinite postponement and I ask for the yeas and nays.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I had to get up on

the matter of amount. It isn't the matter of the amount that is material in this consideration, it is the matter of whether the people conducting the raffle are a nonprofit, charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization and I omitted to say the first time I was on my feet that the other exemptions would be volunteer public safety organization, volunteer police forces, fire departments and ambulance corps and educational classes or organizations in educational institutions, any class or organization of an elementary, secondary or post-secondary educational institution operated or accredited by the State of Maine.

Now that I am up, I would like to tell you that I first became acquainted with Maine's new requirements that you get a license for a raffle, because my 8th grade child came home and the teacher said, you cannot have your raffle because you haven't got a license and that was an introduction to government for one class of 8th graders. Also, the ladies auxiliary were rather offended to fill out a form and be asked the questions they didn't think were pertinent.

I put this L.D. in and I got mail from the Houlton Republican Town Committee who wished to come and support it at the hearing. I got letters from the Brunswick Naval Wives; I got letters from the Golden Harvest Grange in Carmel, Maine; I got letters from people all over the state saying that they were coming and frankly I said to them, it is so transparent and so obvious that this has been a little zealous that I wouldn't waste my time coming. It seems to me that good sense dictates that the organizations enumerated in this, regardless of whether they are trying to raise \$10 for curtains or \$20,000 for a burn hospital should be exempted of this nuisance and should be able to keep their \$5.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Having been a member of Legal Affairs and not being as active as some of them but I did hear this bill and the things that I thought was wrong about the amendment is the part that says the serial numbers are consistent.

Now, these organizations like Grange and what have you, they buy a roll of tickets and they are quite expensive now and they may use that roll of tickets for a whole year. If you want those tickets to comply with the number of license, they would have to have a new roll of tickets every time they had a little lottery and they would have to pay more for the tickets than they would get out of the lotteries, in the cases of some of the smaller ones. I am sure that the majority of the committee felt that this would be wrong. This is one of the things that is wrong with the amendment so I would go along with indefinite postponement of the amendment on that basis, for no other reason, on that basis alone.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I am the cosponsor of this piece of legislation and I came up here with one principal goal, which was to make sure that the next time the Standish Fire Department raffled off a canoe on the 4th of July, they wouldn't have to come up to Augusta to get a license to do it. I don't think that the fee is the

question, I think it is just a pain in the neck for people who are trying to raise some money to do some good for their communities, and I would urge you to vote for the indefinite postponement of the amendment and support the 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. 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the gentleman from Ellsworth, Mr. DeVane, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Ingegneri, Jackson, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McBreaarty, McKernan, McMahon, Mills, Miskavage, Mitchell, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Usher, Wagner, Webber, Wilfong, Winship.

NAY — Bagley, Burns, Gray.

ABSENT — Ault, Blodgett, Conners, Cox, Drigotas, Faucher, Fraser, Hinds, Hutchings, Immonen, Jacques, Jalbert, Laffin, Leonard, Lunt, Maxwell, Morin, Morton, Mulkern, Perkins, S.; Smith, Twitchell, Tyndale, Walker.

Yes, 122; No, 3; Absent, 24.

The SPEAKER: One hundred and twenty-two having voted in the affirmative and three in the negative, with twenty-four being absent, the motion does prevail.

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

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

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 13, by Mrs. Najarian of Portland.

Pending — Passage to be Enacted.

On motion of Mr. Kelleher of Bangor, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

On motion of Mr. Pierce of Waterville, under suspension of the rules, the House

reconsidered its actions whereby House Amendment "A" was adopted.

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

House Amendment "B" to House Amendment "A" (H-342) was read by the Clerk and adopted.

House Amendment "A" as amended by House Amendment "B" thereto was adopted.

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

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

House Report — "Ought to Pass" — Committee on Human Resources on Bill "An Act Further Defining the Definition of 'North American Indians Residing in Maine'" (H. P. 1375) (L. D. 1688)

Tabled — May 13, by Mrs. Najarian of Portland.

Pending — Acceptance of Committee Report.

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

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

Bill "An Act Relating to State, County and Municipal Procurement of Engineering, Architectural and Construction Consultant Services" (H. P. 1342) (L. D. 1770)

Tabled — May 13, by Mr. Norris of Brewer.

Pending — Adoption of House Amendment "A" (H-335)

Thereupon, House Amendment "A" was adopted.

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

Mr. DYER: Mr. Speaker, at this time I would like to move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from South Portland, Mr. Dyer, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. DYER: Mr. Speaker, Ladies and Gentlemen of the House: This bill will effectively strike out that communication that is so much needed between the owner and the architect. It will place a third uninterested party in the process that the man's person will contact. This bill will include all public works, such as sewerage water, roads, school, and municipal buildings, etc. It will create a new state department to replace the functions that is now done very well, at the local level. I think it will funnel millions of dollars worth of contracts to a certain few individuals. It will move local control from local projects and it will give all control to the state. Here again we are talking local control in one breath and taking it away with the next. It will remove the communication that now exists between the owners and the designers. The law is the type of law that created the Maryland problem which, unfortunately, reached the White House. Fees for design service is now negotiated after a selection of designers, so, at this time, Mr. Speaker, when the vote is taken, I would like it taken by the yeas and nays.

The SPEAKER: The Chair recognizes

the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of indefinite postponement of the bill. I think that this piece of legislation, while it is intended to deal with some very real problems in the whole area of architectural and engineering services, it is a very bad piece of legislation, and I think the basic problem with it is that it requires, first of all, approval of the State Board for any contract for design services, so that if any town or school district or anyone else is going to build a building that involves state funds at all, they are going to have to get approval from this State Board for the contract with the architect.

What seems to me to be more fundamentally wrong with this is the notion that you should have to retain the architect or engineer who is the lowest bidder on the contract, because in purchasing the services of an architect, you are not purchasing an automatic service. You have got to look at the one product of the architect in the past, you have got to try and get somebody that the building committee will be able to work with, and it is not purely a matter of how much the person will charge, it is how good an architect is he, what kind of a building will he design, will he design a building which meets the needs and the desires of the community and the people who are building it?

I would suggest that if when the State House was built the contract had to be awarded to the lowest bidder, we would not have gotten Charles Bullfinch to design this building, there probably would be no dome on the Capitol. I think the Washington Monument, if the contract was let out to the lowest bidder, it would probably be a concrete bunker.

I think that this approach is just the wrong approach. If you wanted to retain the services of a surgeon to do an operation, you would never consider putting it out to the lowest bidder. I think the services of an architect are very similar; it is a matter of design, it is a matter of taste and skill and the lowest bidding architect may turn out a very, very bad building. I think that the buildings that are built in the state already could stand some improvement and I think that this bill will mandate a very poor quality of design in the public buildings in this state.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to try and influence anybody on which way to vote, but I think the gentleman from Standish has got a little misconception about the intent of the bill.

It is not to see who can design the cheapest building; it is the person who will work for the lowest rate, and the committee would still ask to have a design that the Washington Monument could still be in the shape as it is in now, this place could still have a dome on it, it could have three or four domes, but what we are saying is basically, that whoever gets the design is going to work for a smaller percentage than they have in the past and it is followed basically along lines that I have had for some time.

It is our committee that heard this bill as presented by Mr. Carter, in that we pay a tremendous amount of money for school

building plans, for instance, and those plans should then become the property of the agency that paid for them and we should not have to pay for them time and time again for an architect to design almost the very same school in Sanford that he may be designing up in Aroostook County someplace. This is one of the things that we are trying to get at with this bill.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: First of all I would like to take issue with my good friend from Standish, Mr. Spencer, when he would have us believe that comparing a building with an operation that requires surgery is comparing the same thing. Actually, we are comparing apples and oranges. When you consult a physician or a surgeon you are in dire need of surgery, you don't have time to wait nine months and if you do, the surgery will be sort of needless. But, a building you have much and plenty of time on your hands, you have anywhere from six months to a year to plan.

I sponsored this L. D. as has been mentioned by Mr. Carey, and obviously, to many of you, it is not a department bill. It is what I like to call a peoples bill or better yet, a taxpayers bill. Apparently, this bill has generated quite a bit of interest, as many of you have personally contacted me. I am sure it is a good bill because one way that you can tell when a bill is good is the Document Room invariably runs out of the document and this occurred on this bill several days ago. I checked a few minutes ago and they still have not been replenished, so if they were replenished they ran out again.

The biggest objection that I have heard to this bill centers on home rule. As many of you know, and my voting record will substantiate this, I am a staunch supporter of home rule, so in my amendment, if none of you have read it, it is House Amendment 335, I have taken out the feature that requires local projects to go out to bid.

All this bill deals with now is when state tax dollars are involved, then and only then, is the hiring of an architect or an engineer required to be put out to bid. However, realizing the value that the board will be able to offer under this bill, I have made it permissible in that any community may avail themselves of the expertise of this board, if, and only if, they choose to do so. Now, I will have more to say on this aspect later on, as to why I feel communities might want to take advantage of this feature.

Let me tell you first why I sponsored this particular bill. The purpose of this bill is to require contracts for architectural engineering and construction consultant services which are funded, in part, by the state, to be procured on a competitive bid basis. Now, don't let anybody tell you that if you want to build a building in your back yard or in your community or treatment plant that everything has to go out to bid, that is not so, only in a case where state dollars are involved, and only as pertains to the hiring of an architect or an engineering or a consulting firm, not the complete package as some will have you believe later on that they would liken this to the design bill concept, it has nothing to do with design bill concept.

Board supervision of procurement of such services will reduce expenses, increase the quality of performance and curb favoritism. I sponsored this bill in an attempt to prevent or stop, if you will, if it

should already exist, any incidences of kickbacks or underhanded dealings, such as has recently come to light in the states of Maryland, New Jersey and Florida. This bill may just prove to be the ounce of prevention needed in order to prevent a needed pound of cure in the future, or if you will, let us close the barn door before the horse gets out.

My bill is patterned after the Maryland Law, which was signed by the Governor of Maryland on May 31, 1974.

According to a recent statement by Honorable Congressman Bennett of Florida, and I quote, "The forty page statement compiled against the former Vice President reveals in the State of Maryland what is apparently a long time pattern there of political corruption through the noncompetitive awarding of contracts." This was followed by the introduction by Congressman Bennett, of H. R. 68 on January 14, 1975, which is "A bill to provide for competitive bidding on Federal Contracts and Federally funded contracts." This bill also calls for the awarding of contracts only to the lowest qualified bidder, including contracts for architectural and engineering work. I have a copy of the bill here if anybody is interested in looking at it.

I would like to cite to you an L. D. which came before our committee not too long ago, before the Appropriations Committee, it is L. D. 1342, to give you an idea what happens in the state. The first four items on L. D. 1342 ask for an additional amount of \$825,000. For what? Just to complete something that was started by funds that we approved back in 1972. Back in 1972, we approved four projects under a bond issue totaling \$5,450,000. Here we are three years later or not quite three years later, we are back here asking for more funds.

Now, to keep on, at this point, I would like to read to you from a paperback book entitled "Just a Heartbeat Away" and which I think you will find most interesting on how kickbacks and favoritism figured in the investigation and resignation of former Vice President Agnew. It is interesting to note here on these pages that the investigation just happen to stumble on a key to another world of corruption in the awarding of contracts not by competitive bidding, but by private negotiations. On January 4th, Baker sent out his first wave of subpoenas, 27 to the firms doing the most business with the Baltimore County and the 28th to the County Government itself. Then he waited, hoping that Sterns prediction would come true and that he would soon discover kickbacks in the county construction industry but Baker would have been in for a long time had the subpoena all gone to the construction firms. No unusual cash flow was found in any of them. It so happened, however, that one of the 27 top firms receiving government business was an architectural company. This was in itself unusual but in addition, there in the books of Goudreau Inc. a largely family owned company headed by Paul Goudreau and his brothers, Robert Browns IRS agents found the cash they were looking for, almost by accident. The prosecutors who had plunged into what amounted to a fishing expedition in the wrong industry suddenly stumbled onto a key to another world of corruption, smaller but still numerous contracts for architectural and engineering work that were let, not by competitive bidding, but by private negotiation with public officials. And you

all know what happened after this discovery.

Now, ladies and gentlemen of the House, I don't mean to imply or infer by bringing this information to your attention that this type of corruption currently exists in the State of Maine. However, allowing this bill to become law, will certainly go a long way in preventing it from happening at all.

There is another facet to this bill or a by-product if you will, that I haven't yet touched upon, that would come into play if this bill is allowed to become law, and I hasten to add that it could mean the saving of millions of taxpayers hard earned dollars. Yes, ladies and gentlemen, this law would breed economy, long needed in this state in the area of construction of public buildings. There is apparently many ways in which the square footage costs can be inflated in the construction field because there are currently, no standards or regulations, utilized or available, to the often inexperienced citizens' serving on a local building committee.

Now, here I can speak with authority, and I can wear another hat as I have served as chairman of a local building committee and, fortunately, at the time, I also happened to be first selectman of the community and chairman of the board and I was able to pick the people I wanted to serve on this committee. In so doing, I called on people that were knowledgeable in the field of construction. What so often happens is that once you have served on a building committee, if any of you have, you would never wish to serve again, once is enough. All the knowledge that is gained by serving once on such a building committee is lost. There is no continuance, if you will, of the knowledge gained from one building committee to another. The board created, under my bill, would afford a continuous source of expertise available to local communities.

The way things are going now, we seem to be rewarding the designer if he makes mistakes, if he leaves something out of the contract or if he neglects a portion of the building, we seem to reward that because the system operates on a system of commissions and the bigger the cost of the building or the project, the more commission he makes. My bill would prevent this. It would allow the board to come up with regulations and standards and they would be able to, by the creation of this board, come up with the necessary procedure in the hiring of any of these firms, and by so doing, they would effectively cut down on a lot of waste. I can cite you many ways how it can be done. I have circulated a newspaper item on your desk, and some of you have probably read it, and probably others have not, but one easy way of doing this is lengthening the side or the outside walls, for example, if you build a wall that is corrugated in shape you, in effect, double the length of the wall and double the cost of the building, and, in so doing, you also increase your commissions.

I would hope, ladies and gentlemen, that you would not go along with the indefinite postponement of this bill and allow it to become law.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the indefinite postponement of this bill. I applaud the gentleman from Winslow's efforts to save the state money,

but I don't believe the mechanics of this bill if carried out would accomplish this. I would just like to read you one paragraph of a letter I received from a small consulting engineering firm in Portland. This is what they have to say:

"Architectural and engineering services are much like legal and medical services. The problem has to properly diagnosed before a solution can be found. People do not consider it appropriate to require welfare recipients to get three bids from doctors before seeking medical aid to insure that state funds are expended only to the lowest bidder. Neither would anyone suggest that the courts who assign defense lawyers, lowest costs to the state. By the same token, professional engineering services can not be purchased on a low bid basis. The client has to have the freedom to examine all proposals and to choose the best, even if it is not the least expensive. The client has to be able to feel that he can have confidence in his professional consultant and that the consultant and the client can openly discuss potential modifications to the scope of work without a dollar sign hanging on every word. The low bidder will often base his bid on an absolute minimum of service to be provided and then demand exorbitant extra payments for things the client thought were already included. These contracts ending up costing more than the second or third lowest bidder price and the client receives less."

I would just like to comment that Mr. Carter brought out the fact that the University of Maine is back requesting \$800,000 more to finish some construction projects and the implication that he gives that these are all because of engineering and designers and architects. I know that the \$340,000 requested for the University at Portland-Gorham campus comes, not from any fault of any architect or engineer, but because the Chancellor tried to play games and put it on the Gorham campus rather than the Portland campus where it was originally proposed to the voters that it was going to be and this delay, with inflation and everything, caused the price to go up about \$340,000 and that is the reason that request was in there.

I would just like to close by saying that this all reminds me what Allen Shepard said when he was asked what his thoughts were when his rocket first blasted off and he said, "The only only thing I can think of is that it is built by the lowest bidder."

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of indefinite postponement of this bill. I have been chairman of three different school building committees. I am the chairman of the Board of Councilmen in the town of Kittery when we put in the sewer system. I was also on the board, when we built a new municipal building two years ago. We interviewed several architects, on the last school building, we interviewed 16, from eight o'clock to five o'clock in the morning. Under this bill, 'basis for fees', all good architects belong in a registered, in the American Institute of Architects. They have a standard fee, a certain percentage. If you put this out for bids, you are going to have architects who are not members of this society coming in here and I say you are going to get poor designed buildings.

Another thing, the architect would not

bid on the total cost because during the construction of any building, there are changes made. The minute a change is made, the architect gets an increase fee, because even though the cost goes down, his services are paid for.

I do not believe this bill is workable. I recall on our town municipal building, we fired the architect because he designed a building which the town could not afford. So, we went out and negotiated and a firm from Sanford built our building at about \$20,000 less than the original price.

I recall a few years ago, when the town of Sanford needed a new school building, their unemployment rate was very high, so they got all the contractors in, they got an architect to draw a set of plans only, and they let the contractors come in and they negotiated with them, they hired local help and they got a darn good school without the state bothering them.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion to indefinitely postpone this bill and all its accompanying papers. Let's keep home rule right where it belongs, at home. The last thing we need is another bureaucratic department up here in the Augusta complex. The idea that these people up here in the Augusta know what Kittery wants or Presque Isle wants or something, is absolutely ridiculous. They don't even know what we want down in Hallowell. So far as patterning anything after what goes on in the State of Maryland, I can't subscribe to that in any shape, form or manner. The fact that this bill has had a heavy demand in the Document Room is of no consequence whatsoever either.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have several questions concerning this bill. First, I would like to address myself to the amendment that was offered by the gentleman from Winslow, Mr. Carter, where he has said that he has taken out the requirement that local contracts would be required to go before this board that was set up. The language now reads that this board would then review any project which is to be funded in any part with state revenues. I wonder whether they would pertain to local schools, because under 1994, and even previous to 1994, the state did aid local municipalities in building their schools. So, I do wonder whether this Professional Services Evaluation Board would, in effect, even with this amendment, be passing on the construction and design of local schools.

I also would like to ask a question about the board itself. It struck me when I first read the bill that this would be a very powerful board, and in the bill itself, it says the Professional Services Evaluation Board shall be appointed by the Governor and there is no mention of with the advice and consent of the Executive Council, and I wonder whether that was simply an inadvertent omission that there would be some control over the appointment of the Governor or some review of the appointment of the Governor.

Finally, I would also question the matter of finances on this bill because it says the appointed board members will receive \$20 a day for the time that they spend in the discharge of their duties and also that the board may employ employees and yet I

note that there is no fiscal note or appropriation on the bill.

The SPEAKER: The gentleman from York, Mr. Rolde, has posed a series of question through the Chair to anyone who may care to answer if they so desire.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To answer the questions of Representative Rolde, the way the bill has been drawn up, if it involves state tax dollars, then it has to be done by bid. I believe that that should answer his first question. That includes school building if there are state funds.

On the question of the appointment by the Governor, I had this bill drawn up by the Attorney General's Office and I am sure it was an oversight. If it should be in there, I certainly would be glad to amend the bill to include it.

The third question, I am sorry, the young lady was talking to me, and I was distracted and I didn't get it.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to repeat my question. The question was, I note in the bill that there are the possibility of expenses. For example, the members of the board shall receive money for the time they spend in the discharge of their duties and the board also has the right to have employees, and I simply wonder, I note that there is no appropriation or any fiscal note on the bill whatsoever. I do see that there is a provision for fees, but I don't see where those fees have been dedicated to any expenses that this new board might incur. I just wonder if the gentleman would comment on that?

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman's question, it is my understanding, the way this was drawn up, that the fees would be sufficient to take care of any needed expenditures. I am not aware that they should be dedicated, perhaps they should be, and if that is the case, that should be corrected. That would be another oversight.

Mr. Speaker, while I am on my feet, I would like to bring up a point that was brought up by Representative Kauffman from Kittery. He tells us that it would be difficult for the engineers to bid on this or architects, as they all belong to a society and they adhere to a certain set of fees. I would like to call your attention to the article that I circulated to you in regards to this type of activity by the society. In a landmark decision reached recently released by Judge Smith of the U.S. District Court in Washington, D. C. ruled the court finds as promulgation and enforcement of the design profession stand against competitive bidding constitute a combination and conspiracy in unreasonable restraint of interstate trade and commerce in violation of Section I of the Sherman Act.

Representative Stubbs brought up the question of home rule and I think if you check the amendment, you will find, as I repeated before and I will repeat it again, local tax dollars are exempt from this provision of this bill only if state funds are involved.

I would hope that you would vote against the motion to indefinitely postpone.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add my voice to the people who would like to indefinitely postpone this bill. I think there are three reasons. One basically is that people of Maine should not be forced to buy this simply because of the sins of Baltimore County, Maryland, they had nothing to do with that and the problems down there, not only in building and kickbacks but in every other facet of government far beyond what we have.

Secondly, I fear the power of such a state board over all the buildings proposed by local people in the State of Maine.

Thirdly, I, too, have served some time on building committees, particularly in projects for the elderly and my experience there would indicate that when I am looking for an architect, I want more than just the low bidder, I want reliability, willingness and ability to perform on time and history of competency.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: BPI does come into school construction at Step 5. It participates in the conference and approval of a select designer, it is on our site selection, it is on our concept design and review, it is on our concept conference and possible modifications, it participates with the designer in a schematic review, it participates with a designer in the review of cost and estimates, it participates in the reassessment of approved project and participates in the final conference. I think we have plenty of protection there.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to rise to support the motion to indefinite postpone. I would question the applicability of accepting the lowest bidder on architectural design. I think that the choice of the architect is the most important decision that a particular town or city could make, since it is the architect who makes the specifications, reviews the work, makes the demands on the contractor and then decides whether the work is okay or not and tell the city or town that they should, in fact, pay them for the entire amount of the contract once it is completed.

I would submit to you that a good architect can actually save the municipality money whether he is a low bidder or not and in Scarborough we, unfortunately, accepted the low bid of one architect to design us a particular structure and in the end it ended up costing us thousands of dollars. We decided after that episode that that would be the end of our accepting low bids on design work and now we stick with one particular firm that we feel that we can work with that is a reliable, well-known company.

I would hope that you would pass this motion to indefinitely postpone.

Mr. Raymond of Lewiston moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and obviously more than one third of the

members present having voted for the previous question, the motion is entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I am the only one, aside from Representative Carey, who has risen on this issue and I still have something to say. I think I have conducted myself like a gentleman. I could have rammed this bill through two days ago but I allowed it to be tabled to give everybody an opportunity to study the amendment and I just would like to say here and now that I have never voted for the previous question and I never will. I don't care how long we have to stay in session, if somebody has something to say in this House, he ought to be allowed the privilege to say it.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Even though I am on the opposite side, I concur most wholeheartedly with my colleague, Mr. Carter, and I would hope that everyone has a chance to give their views on this matter. Really, to stop in the middle of the debate, even though the hour is late, is really not fair to anyone. So, I would hope that you would keep the debate open and allow Mr. Carter and anyone else that cares to to speak on this most important matter.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I worked with Representative Carter on Appropriations. I think he is very serious in what he is presenting here today whether you are for it or against it and I think that any person that has gone into the work that he is presenting to you, I think, should have the right to speak on the Floor of the House and I would vote against moving the question.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: In the past few days, I have received communications and mail from local municipal government, college administrators, development and researchers. They seem to be saying the same thing to me that the intent of this bill is to reduce—

The SPEAKER: The Chair would advise the gentleman from Portland, Mr. Flanagan, that the only question now before the House is whether or not the question shall be put now. The merits of the bill are not debatable at this time. In order for the gentleman to debate the bill, the previous question will have to be defeated.

Mr. FLANAGAN: Mr. Speaker, I am sorry.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I voted not to move the previous question. I plan on supporting the indefinite postponement. I have lobbied members of this House to support it but I still feel that the gentleman from Winslow, Mr. Carter, should have his day.

The SPEAKER: The pending question before the House is shall the main question be put now? Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

2 having voted in the affirmative and 91 in the negative, the previous question was not ordered.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: In the last few days, my telephone and mail has carried what seemed to be the very same story from local municipal government, private college administrators and development researchers. It appears to them that the intent of this bill is to reduce costs of state-aid projects by forcing the low dollar bill to be accepted for architectural engineering and construction consultant services performed with the aid of municipal funds. They applaud the basic concept of saving money, but they question whether the mechanics of this bill will accomplish this particular saving.

On top of that, for the past four weeks, the Jobs Committee has been hearing from many varied industries and many people and what I would like to have you understand at this time, that the most common complaint this Jobs Committee is receiving from the hearings and from these people that are coming to these hearings to talk to us, is that the unemployment situation in the state of Maine can only be served to the purpose of the people by industry, because they are the ones that have to expand and hire and put people to work and their most common complaint is the fact that the State of Maine, with its laws and regulations, are hampering industry and business to the point that it is deterring them from any idea of expanding and innovating their particular business to create new jobs and to put people to work.

These factors have let me stand here and say to you that I must go along and do recommend that this bill be indefinitely postponed.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Quickly, several points that have been made I would like to rebut. I don't know if it is going to do me any good but I will try anyway; nothing like going down fighting.

First of all, Representative Lynch, who I respect greatly brought up the fact that communities in school building construction are amply protected by BPI; I disagree with that. There are no checks and balances built into the system and the cost of school construction ranges anywhere from \$24 a foot to as high as \$60 a square foot. Now, I submit to you ladies and gentlemen of the House, if there were any regulations or guidelines, we wouldn't stray that far afoot.

There was another point brought up by Representative Flanagan from Portland, stating that this type of legislation would hamper local industry. I disagree with him. I submit to you, ladies and gentlemen of the House, that bidding is the only answer. The system we now have just simply rewards designers for mistakes that they build into the project. Whether they do this intentionally or not, I am not here to say, but the fact remains that if they run over, they will increase their commissions and the system is not right. My bill would stop this.

Competition is good. It made this country what it is today. Competition makes the mind creative and at the same time, competition creates economy. They go hand in hand; you can't have one without the other, but I submit to you that without either one of them, you can have such experiences as we just have had under 1994. We need checks and balances. Sometimes we don't agree with them but it has to be done, and I would hope that you would defeat the motion to indefinitely postpone and allow this bill to become law.

The SPEAKER: The pending question before the House is the motion of the gentleman from South Portland, Mr. Dyer, that this bill and all its accompanying papers be indefinitely postponed. The gentleman from South Portland, Mr. Dyer, requests a roll call. In order for the Chair to order a roll call, it must have the expressed desire of more than one fifth of the members present and voting. All those 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 Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I realize the hour is late but because I did speak on putting the motion down, I did want to make it perfectly clear that I am in favor of the indefinite postponement and I would read just briefly what was stated by a California Appellate Court, quoting an early Ohio decision, which says that an architect is an artist. His work requires taste, skill and technical learning ability of a high and rare kind. Advertising might bring many bids, but it is beyond peradventure that the lowest bidder might be least capable and most inexperienced, and absolutely unacceptable. As well advertise for a lawyer, or civil engineer for the city, and entrust its vast affairs and important interest to the one who would work for the least money. So, I hope that you will go along with indefinite postponement.

The SPEAKER: The pending question before the House is indefinite postponement of L. D. 1770 "An Act Relating to State, County and Municipal Procurement of Engineering, Architectural and Construction Consultant Services". If you are in favor you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Birt, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laverty, Lewis, Lovell, MacEachern, Mackel, McLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahan, Mills, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Theriault, Torrey,

Tozier, Twitchell, Usher, Wagner, Webber, Wilfong, Winship.

NAY — Berry, P. P.; Berube, Carey, Carter, Connolly, Curtis, Dow, Farley, Farnham, Hall, Kelleher, LaPointe, LeBlanc, Lizotte, Pierce, Saunders, Smith, Teague, Tierney, Truman.

ABSENT — Blodgett, Conners, Faucher, Fraser, Gray, Hinds, Hutchings, Jacques, Jalbert, Laffin, Leonard, Lewin, Littlefield, Lunt, Lynch, Morin, Rollins, Strout, Susi, Tyndale, Walker.

Yes, 108; No, 20; Absent, 21.

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

The SPEAKER: 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, having voted on the prevailing side now moves that we reconsider our action whereby this bill was indefinitely postponed. All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion to reconsider did not prevail.
Sent up for concurrence.

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

Bill "An Act to Authorize the Board of Registration in Medicine to Conduct Medical Education Programs" (S. P. 430) (L. D. 1417)

Tabled — May 13, by Mr. Goodwin of South Berwick.

Pending — Passage to be Engrossed.

On motion of Mr. Rolde of York, retabled pending passage to be engrossed and specially assigned for Monday, May 19.

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

An Act to Provide for the Appointment of Deputy District Attorneys" (S. P. 321) (L. D. 1098)

Tabled — May 23 by Mr. Jacques of Lewiston.

Pending — Passage to be Enacted.

On motion of Mrs. Najarian, retabled pending passage to be enacted and specially assigned for Monday, May 19.

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

Senate Report — "Ought to Pass" in New Draft under New Title "An Act to Specify Which Activities on Lands Adjacent to Great Ponds, Rivers, Streams and Brooks Need Permits" (S. P. 514) (L. D. 1876) — Committee on Natural Resources on Bill "An Act to Clarify the Meaning of the Term 'Abutting' under the Site Selection Statutes." (S. P. 298) (L. D. 1024) — In Senate, Report read and accepted and the New Draft under New Title passed to be engrossed as amended by Senate Amendment "A" (S-147).

Tabled — May 14, by Mr. Rolde of York.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-147) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading tomorrow.

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

House Divided Report — Majority (7)

"Ought Not to Pass" — Minority (6)
 "Ought to Pass" — Committee on
 Taxation on Bill "An Act Relating to the
 Income Limitation of the Elderly
 Householders Tax and Rent Refund Act"
 (H. P. 418) (L. D. 504)

Tabled — May 14, by Mr. Drigotas of
 Auburn.

Pending — Acceptance of either Report.

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

Mr. DAM: Mr. Speaker, since Mr.
 Drigotas is not in his seat, I would hope
 someone would table this until later today.

Thereupon, on motion of Mr. Finemore
 of Bridgewater, tabled pending
 acceptance of either report and later today
 assigned.

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

House Report — "Ought to Pass" as
 amended by Committee Amendment "A"
 (H-308) — Committee on Local and County
 Government on Bill "An Act Converting
 Allagash Plantation into the Town of
 Allagash." (H. P. 1276) (L. D. 1647)

Tabled — May 14, by Mr. Rolde of York.

Pending — Acceptance of Committee
 Report.

Thereupon, the Report was accepted and
 the Bill read once. Committee Amendment
 "A" (H-308) was read by the Clerk, and on
 motion of Mr. Dam of Skowhegan, the
 Amendment was indefinitely postponed.

The Bill was assigned for second reading
 tomorrow.

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

Bill "An Act to Insure Citizen
 Participation in the Promulgation,
 Amendment and Repeal of Agency Rules"
 (H. P. 1379) (L. D. 1775)

Tabled — May 14, by Mr. Kelleher of
 Bangor.

Pending — Passage to be Engrossed.

Mr. Kelleher of Bangor offered House
 Amendment "A" and moved its adoption.

House Amendment "A" (H-363) was
 read by the Clerk.

The SPEAKER: The Chair recognizes
 the same gentleman.

Mr. KELLEHER: Mr. Speaker, Ladies
 and Gentlemen of the House: This
 amendment simply limits the publication
 or advertising from the boards and the
 departments in the daily newspapers, and
 in the original bill it said "all daily
 newspapers," and this limits it to three on
 a geographical basis.

Now, there was another question raised
 by some members of the State
 Government Committee that there should
 be a fiscal vote attached to this because of
 the cost of advertising, and I checked this
 out with our Finance Office, and I would
 like to remind the House that there is
 appropriate money in the accounts of
 boards and agencies and departments of
 this state in the All Other Account that
 takes care of any possible fiscal note.

Thereupon, House Amendment "A" was
 adopted.

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

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

Bill "An Act to Increase Certain Weight
 Limits for Class 2 and Class 3 Motor
 Vehicle Licenses" (H. P. 1369) (L. D. 1650)

Tabled — May 14, by Mr. Greenlaw of
 Stonington.

Pending — Passage to be Engrossed.

Mr. Greenlaw of Stonington offered
 House Amendment "A" and moved its
 adoption.

House Amendment "A" (H-360) was
 read by the Clerk.

The SPEAKER: The Chair recognizes
 the same gentleman.

Mr. GREENLAW: Mr. Speaker, Men
 and Women of the House: I appreciate
 very much the support this House gave
 this bill two days ago. While I would like to
 see this bill passed in its original form, I
 realize the unlikelihood of that happening.

In offering this amendment, I would
 hope the bill would be acceptable to
 everyone. The Chairman of the
 Transportation Committee has indicated
 to me that this amendment would make
 the bill acceptable to him.

The amendment increases the weight
 limits of Class 2 and Class 3 motor vehicle
 licenses from 18,000 pounds only to 24,000
 pounds, instead of the 32,000 pounds as the
 original bill provided. I would hope you
 would adopt this and pass it to be
 engrossed.

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

Mr. FINEMORE: Mr. Speaker, Ladies
 and Gentlemen of the House: I admire the
 gentleman from Stonington, Mr.
 Greenlaw, but I think this time he hasn't
 studied it properly. My heavens, up in
 Aroostook County, how many trucks have
 we got that the gross weight is only 24,000
 pounds? This is Class 2 license. My
 heavens, you can take any truck that is
 even a two-axle truck and license them for
 38,000 pounds. It is discriminatory the way
 it is now. This is 2, 3, and then you have to
 jump and get it for 3, and that is a trailer
 truck, that is a big four-axle truck. I think
 it was little enough the way it was.

I am not even going to move for
 indefinite postponement of this
 amendment, but it should be.

Thereupon, on motion of Mr. Greenlaw
 of Stonington, tabled pending the adoption
 of House Amendment "A" and later today
 assigned.

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

Bill "An Act to Authorize the
 Appropriation of Funds for Full-time
 County Administrators" (H. P. 919) (L. D.
 1132)

Tabled — May 14, by Mr. Carpenter of
 Houlton.

Pending — Motion of same gentleman to
 Indefinitely Postpone Committee
 Amendment "A" (H-307)

Thereupon, Committee Amendment
 "A" was indefinitely postponed.

Mr. Carpenter of Houlton offered House
 Amendment "B" and moved its adoption.

House Amendment "B" (H-349) was
 read by the Clerk.

The SPEAKER: The Chair recognizes
 the same gentleman.

Mr. CARPENTER: Mr. Speaker, Ladies
 and Gentlemen of the House: Briefly, this
 is the bill that was indefinitely postponed
 by the gentleman from Biddeford, Mr.
 Farley, the other day. I held it and am
 trying to amend it to the point where it
 pleases everybody.

Very simply, my House Amendment
 "B" says that county commissioners of
 any given county may, if they so desire,
 with the consent of a majority of the county
 legislative delegation, authorize funds for
 the appointment of a county
 administrator. Also, the last part of the
 amendment says, in effect, that if the

county commissioner's responsibilities
 are reduced by the hiring of this county
 administrator, then his salary shall be
 adjusted accordingly. I took it to mean
 legislative intent when I wrote it in there to
 show that we want them to reduce their
 salaries if they are going to be doing less
 work and have less responsibility.

The objection before was that the county
 commissioners were given this broad,
 far-reaching power. Well, the county
 commissioners, with the consent of a
 majority of the members of the county
 delegation, as I said, I hope this pleases
 everybody now and I move for its
 adoption.

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

Mr. KELLEHER: Mr. Speaker, Ladies
 and Gentlemen of the House: I, for one, am
 not pleased with the offering that has been
 made late this afternoon. As far as my
 county is concerned, and I would hopefully
 request somebody to table this when I get
 through, because I would like to amend
 Penobscot County out of it, I would
 simply like to have the opportunity for the
 residents in Penobscot County, not rely
 just on the legislative delegation to this
 House or in the Senate, in approving such a
 position, creating a position in county
 government. I prefer to come down and
 have a bill heard before the Towns and
 County Committee and let my constituents
 in my community, as well as the county,
 state whether they want it or don't want it.

So if someone would please table this, I
 would like to amend Penobscot County out
 of this bill.

Thereupon, on motion of Mr. Gauthier of
 Sanford, tabled pending the adoption of
 House Amendment "B" and specially
 assigned for Monday, May 19.

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

Bill "An Act to Clarify the Fuel
 Adjustment Clause under the Public
 Utility Law" (H. P. 1086) (L. D. 1366)

Tabled — by Mr. Greenlaw of Stonington
 Pending — Motion of Mr. Kelleher of
 Bangor to accept the Majority "Ought not
 to pass" Report.

Thereupon, on motion of Mrs. Najarian
 of Portland, retabled pending the motion
 of Mr. Kelleher of Bangor to accept the
 Majority "Ought not to pass" Report and
 specially assigned for Monday, May 19.

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

Bill "An Act to Establish the Maine
 Building Code" (H. P. 1346) (L. D. 1810)
 (C. "A" H-283)

Tabled — by Mr. Shute of Stockton
 Springs.

Pending — Passage to be engrossed.

On motion of Mr. Dam of Skowhegan,
 retabled pending passage to be engrossed
 and tomorrow assigned.

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

House Divided Report — Majority (7)
 "Ought not to pass" — Minority (6)
 "Ought to pass" — Committee on Taxation
 on Bill "An Act Relating to the Income
 Limitations of the Elderly Householders
 Tax and Rent Refund Act" (H. P. 418) (L.
 D. 504)

Tabled — by Mr. Drigotas of Auburn.

Pending — Acceptance of either Report.

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

Members of the House: Two very evident facts of life influence me in voting "ought to pass" on L. D. 504, an act that will bring more in line the relief that was intended for elderly householders and renters. These facts, number one, erosion of the purchasing power of the dollar; and two, that almost state-wide increase of property taxes. This bill, in a small way, will help the elderly to cope in these inflationary times, and I urge you to support the "ought to pass" report.

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

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

Bill "An Act to Increase Certain Weight Limits for Class 2 and Class 3 Motor Vehicle Licenses" (H. P. 1369) (L. D. 1650)

Tabled — by Mr. Greenlaw of Stonington
Pending — Adoption of House Amendment "A"

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I find, in spite of the fact that I am a second term legislator, I have a lot to learn. My very, very good friend from Bridgewater has suggested that I am trying to compromise far too early. Therefore, I would withdraw House Amendment "A" and ask that the bill be passed to be engrossed.

Thereupon, Mr. Greenlaw of Stonington was granted permission to withdraw House Amendment "A".

The Bill was passed to be engrossed and sent up for concurrence.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for the Observance of Memorial Day on May 30th, Senate Paper 371, L. D. 1198, the Speaker appointed the following Conferees on the part of the House:

Messrs. MILLS of Eastport
JOYCE of Portland
CONNERS of Franklin

On the disagreeing action of the two branches of the Legislature on Bill "An Act Providing Minimum Retirement Benefits for Certain Teachers," House Paper 991, L. D. 1255, the Speaker appointed the following Conferees on the part of the House:

Messrs. KELLEHER of Bangor
POWELL of Wallagrass
Plantation
Mrs. LAVERTY of Millinocket

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I will be very, very, very brief. First off, I would like to mention that the band that played for you this morning from the Skowhegan Area High School, that was the guest of Representative Burns and myself, after they got done playing here, that is the Dixieland Band, they did go over to the Veterans Hospital at Togus to play over there for the veterans that can't get out. The only reason I want to bring this up, I think this is another fine example of our youth in the State of Maine when they will go around and play for audiences such as this, the veterans hospital, these little

small bands that are formed in the schools.

The other thing I would like to mention is that today I left here just before twelve o'clock, and I went back to Skowhegan and there was a group of 93 people who had traveled through Canada and they have been doing this, this group has — they call themselves the Amigos from New Mexico — and they have been doing this for the past several years, and they have been in all the states in the United States. Coming back from Canada, they had chosen to stop in Skowhegan. Then they will be in Portland tonight and tomorrow morning. What this group is, is a goodwill tour and they travel all over the United States with films and literature promoting the State of New Mexico. This is something in line with a suggestion that the gentleman from Solon, Mr. Faucher, and myself had suggested to the Governor back in January of this year. This group is not funded with state money. They do this on their own. They are businessmen funded with money from different businesses, and with this group, the Governor of New Mexico travels also. Of course, as he said today, he can travel because his session was only two months long and they are all done, so he has gone on a traveling tour. Also, there were two state senators and a representative traveling with this group.

As I talked to the governor and some of the men in the group, they said this has been a great boon to their state to promote tourism in that state by going around and meeting with the various groups. Really, the unique thing about this thing is that when you host this group, it doesn't put the burden on you at all, they do this themselves. Everything is funded out of this group, and this might be a good idea for the State of Maine to follow in promoting their tourism across the United States.

I think another real reason why I rise here today to mention this is because I come from a small town and politically a town my size, 7,601 people, doesn't have much political input into any activities. But I want to stand here and put into the record, because sometimes you thank someone privately and it doesn't have the meaning that it does when you thank them in public, and I think now what I am doing, I am thanking Governor Jim Longley. Even though he is supposed to be laid up today with a sore foot and a sore leg, and I can attest to the fact that the man can hardly walk, he did take time out to be driven to Skowhegan to meet with the Governor of New Mexico, and with the Ambassador's good will and with the people of Skowhegan who were there at that meeting, and even though he is laid up, he took time out, and this is what I feel is very good, when we have a man like this that will take this on himself to do this, even though he did this with great pain. To me, it was especially meaningful, I think, because even though I am a Democrat, sometimes I think a lot of people question it, but on several occasions I have had things going in my town and I have invited the Chief Executives of the past, and they have all seemed too busy to come to Skowhegan.

So I think today, to Jim Longley, the Governor of the State, publicly I want to say thank you for coming to Skowhegan, because this is something that has been very rare in the past, and the people of Skowhegan, as well as myself representing Skowhegan, appreciate what was shown today by the Governor.

Mr. DeVane of Ellsworth was granted unanimous consent to address the House.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, rise to comment on the activity of the Governor. I have in my left hand a press release from the Governor's Office.

The Governor says — well, never mind what the Governor said — the Governor has appointed a committee to formulate a long-range tax policy for the State of Maine. Governor Longley has announced the appointment of a special committee to formulate a comprehensive, long-range tax policy for this state. In so doing, he pointed out that in the past, the lack of an overall taxation policy has been partially responsible for Maine's budgeting problems.

The Governor, I believe, is moving in the right direction, and I applaud his appointment of this important special committee. However, I am deeply concerned about the composition of that committee. The Governor has announced that Mr. John Salisbury of Hallowell, Mr. Peter Isaacson of Lewiston, Mr. John Robinson of Farmington and John O'Sullivan and Francis Finnegan of Augusta, as well as Mr. Robert Kruger, Scott Fox, Jr., Paul Fitzhenry and Jerome Goldberry, all of Portland, had agreed to serve on this committee. Mr. Salisbury will serve as the Committee's chairman. John Salisbury, as most of you know, is the Executive Secretary of the Maine Municipal Association. Mr. O'Sullivan is the State of Maine's Commissioner of Finance and Administration. Mr. Kruger and Mr. Fox are accountants. Mr. Goldberg and Mr. Isaacson are attorneys, and I know nothing of Mr. Fitzhenry.

Also, I would like to call to your attention the fact that four of these men are from Portland, two are from Augusta, one from Hallowell, one from Lewiston and one from Farmington.

Ladies and Gentlemen of the House, I would ask you to join with me in calling upon the Governor to increase the membership of and to broaden the representation upon this important committee. A comprehensive long-range tax policy for the State of Maine should be formulated by a committee whose members are more representative of all of the interests of this state, geographically, economically and socially.

The Governor should, I believe, take action to see that this important effort, and it is an important effort, that it receives the support of and the active participation from labor as well as industry, from government as well as business, from merchantile and trade businesses as well as from industry and manufacturers and, very importantly, from women as well as men. I would hope that the Governor would see that there is representation on this important committee which is being asked to formulate a policy for some time to come, perhaps calling upon the experience of some of the senior members of our own legislative Taxation Committee.

I would ask you to join me in calling upon the Governor to broaden and thereby strengthen this important committee, and I thank you for your time.

On motion of Mr. Wilfong of Stow,
Adjourned until one o'clock tomorrow
afternoon.