

# 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**

Friday, May 16, 1975

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

Prayer by the Rev. Travers Smith of Waterville.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Communication:

**THE SENATE OF MAINE  
AUGUSTA**

May 15, 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 Indefinitely Postponed Bill, "An Act to Extend the Hours for Sale of Liquor During the Tourist Season" (H. P. 1358) (L. D. 1660).

The Senate also voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Establish County Commissioner Districts in Cumberland County" (H. P. 223) (L. D. 279).

Respectfully,

Signed:

**HARRY N. STARBRANCH**  
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Joint Order: (S. P. 519)

WHEREAS, The Legislaure has learned of the Outstanding Achievement and Exceptional Accomplishment of Lee V. Hallowell of Brewer, Superintendent of Schools Upon His Retirement After 15 Years

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

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

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

**Reports of Committees**

**Leave to Withdraw**

Committee on Legal Affairs reporting Leave to Withdraw on Bill "An Act to Establish the Public's Right to Know Governmental Business and to Repeal Statutory Authority for Executive Sessions" (S. P. 149) (L. D. 512)

Committee on Natural Resources reporting Leave to Withdraw on Bill "An Act Authorizing the Commissioner of Conservation to Confer and Cooperate with the United States Geological Survey in Certain Instances" (S. P. 300) (L. D. 1019)

Came from the Senate with the Reports read and accepted.

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

**Divided Report**

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Establish Job

Development, Placement and Follow-up Services in Secondary Schools" (S. P. 476) (L. D. 1609)

Report was signed by the following members:

Messrs. KATZ of Kennebec  
BERRY of Androscoggin  
THOMAS of Kennebec  
— of the Senate.

Mrs. LEWIS of Auburn  
Messrs. LYNCH of Livermore Falls  
CARROLL of Limerick  
INGEGNERI of Bangor  
FENLASON of Danforth  
BAGLEY of Winthrop  
— of the House.

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

Report was signed by the following members:

Mrs. MITCHELL of Vassalboro  
Messrs. CONNOLLY of Portland  
POWELL of Wallagrass Pt.  
TYNDALE of Kennebunkport  
— of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Lynch of Livermore Falls, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" on Bill "An Act Relating to Issuing of Fishing and Hunting Licenses" (S. P. 458) (L. D. 1512)

Report was signed by the following members:

Messrs. McNALLY of Hancock  
PRAY of Penobscot  
— of the Senate.

Messrs. PETERSON of Caribou  
KAUFFMAN of Kittery  
WALKER of Island Falls  
MILLS of Eastport  
MARTIN of St. Agatha  
MacEACHERN of Lincoln  
TOZIER of Unity  
USHER of Westbrook  
CHURCHILL of Orland  
— 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. GRAFFAM of Cumberland  
— of the Senate.

Mr. DOW of West Gardiner  
— of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "B" (S-153)

In the House: Reports were read.

On motion of Mr. Mills of Eastport, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Senate Amendment "B" (H-153) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

**Non-Concurrent Matter**

Bill "An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers" (H. P. 480) (L. D. 599) which was enacted in the House on May 14.

Came from the Senate failed of enactment in non-concurrence.

In the House:

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

Mr. PETERSON: Mr. Speaker, I move that we recede and concur and would speak briefly to my motion.

The SPEAKER: The gentleman from Windham, Mr. Peterson, moves that the House recede and concur.

The gentleman may proceed.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: This is probably a very fine intended piece of legislation. It is sponsored by the gentlelady from Brunswick, Mrs. Bachrach. She is a good friend and a close friend, and I hate to oppose this piece of legislation, but it is another erosion of the property tax base.

These programs are primarily funded by public monies. I know of some specific instances, in fact they are primarily funded and sponsored by public money, and yet there is no public accountability. There have been attempts made by certain individuals in this legislature who have asked the salary schedules and the expenditures of some of these organizations, and they have not been able to come up with this kind of information. So until there is some kind of public accountability of these organizations, I would hope that we would not erode our tax base until we can properly find out how they operate.

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

Mrs. BACHRACH: Mr. Speaker and Members of the House: It seems to me that this is an irrelevant point to raise in relation to this bill. The bill simply wants the community mental health centers to use their funds in as large a part as possible for the purpose for which they are intended. The most important point in this, in my opinion, is that the communities give money to the mental health centers, and if they pay tax, they are, in effect, giving back the money which they received in support of their activities, which seems to me a very illogical approach to the whole thing.

As far as their accountability goes, I think that this is an error, but I think it has nothing to do with whether or not they pay property tax, unless you are proposing to use this as a punitive means to get back at them for not giving all the information you might want. I have a feeling that in the public relations and generally a public facility point of view, that they of course should comply with all the requests. I know that they present their budgets to the communities which contribute to them, and they do give the salaries on a range and scale basis to anyone who asks.

It is pretty hard to come upon the individual salaries of school teachers either. They are protected by the board and by the usual budgeting procedure in that you can identify them in step and range and that sort of identification, but not with names attached, and this seems to be the thing that people are objecting to from the mental health centers. I take issue with that to a certain extent. I think that the public is entirely entitled to know the total budget and the type of salaries that are paid, but I am darned if I am convinced that they have to know who gets exactly what.

I don't believe there are any further steps we can take in this, but I would like to ask for a division.

The SPEAKER: The Chair recognizes

the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I just want to point out that I would hope that you would go against the motion to recede and concur and insist so that we can at least go on record as supporting these community mental health centers.

I would like to say, as the gentlewoman from Brunswick has stated, that community mental health centers are very accountable to people. There is a board director for each community mental health center board of directors, made up by people in the community, and anybody that has any problems with any of the community mental health centers can go to members of these board of directors, and anyone who wishes to get the salaries or the budgets for any community mental health centers, all they have to do is ask. I have no knowledge at all of any program that has ever refused any of the salary ranges or any of their budgets at all.

I would hope that we would vote no on the recede and concur motion and then we could move to insist.

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

A vote of the House was taken.

58 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist.

#### Non-Concurrent Matter

Bill "An Act Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registration" (H. P. 752) (L. D. 927) on which the House insisted and asked for a Committee of Conference on May 12.

Called from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-152) in non-concurrence.

In the House:

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

Mr. BUSTIN: Mr. Speaker and Members of the House: This innocuous little bill was one of mine. The whole point of it was to make boards of voter registration mandatory in towns of 4,000. Right now it is 5,000. The reason for the bill is partly due to the complaints before the Election Laws Committee of how busy the town clerks were. However, it has been suspicioned that I have some dark, heinous, clandestine, political motive behind this measure. The activities between certain parties in this branch and certain parties in the other branch now make me realize that this very minor piece of legislation is doomed. So I have no alternative, really, other than spinning my wheels for longer than I care to spin them, to make the motion to kill my own bill. Mr. Speaker, I move that the House adhere.

Thereupon, the House voted to adhere.

On motion of Mr. Rolde of York, the rules were suspended and the gentlemen were allowed to remove their coats.

#### Petitions, Bills and Resolves Requiring Reference

The following Bills were received and, upon recommendation of a majority of the

Committee on Reference of Bills, were referred to the following Committees:

#### State Government

Bill "An Act to Establish Purchasing Procedures for the Legislature" (H. P. 1595) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

#### Veterans and Retirement

Bill "An Act Establishing the Termination Date of the Vietnam War for Purposes of Certain Veteran's Benefits under State Laws" (H. P. 1596) (Presented by Mr. Leonard of Woolwich)

(Ordered Printed)

Sent up for concurrence.

Mr. Rolde of York presented the following Order and moved its passage:

WHEREAS, a bill entitled "An Act Relating to Ballots Containing Improper Write-in Votes," Senate Paper 84, Legislative Document 255, is pending before the 107th Legislature; and

WHEREAS, said bill has been amended by Senate Amendment "A" to S. P. 84, L. D. 255 under filing number S-146, which the Speaker of the House ruled on May 14, 1975, such amendment was not germane to the bill; and

WHEREAS, upon the Speaker's ruling, the House of Representatives voted to adhere to its previous action, which was the enactment of the bill without Senate Amendment "A" and

WHEREAS, the Senate has requested an opinion from the court dated May 15, 1975, relating to Senate Amendment "A" to S. P. 84, L. D. 255; and

WHEREAS, it appears to the Members of the House of Representatives of the 107th Legislature that the opinion requested by the Senate presents the following question of law and the occasion is a solemn one; now, therefore, be it

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

In order that the Justices of the Supreme Judicial Court be required to give their opinion to the Legislature, the question must be submitted on a solemn occasion; and, if it appears to the justices that such an occasion does not exist, it is their duty to decline to give their opinion and as the House of Representatives ruled that Senate Amendment "A" was not germane and voted to adhere to its previous action which was enactment of the bill without Senate Amendment "A", does the opinion requested by the Senate constitute a solemn occasion on any important question of law properly before the Court?

The Order was read.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The origin of the order I have just presented lies in a series of curious events that began several days ago. The initial event in this series was the introduction of an amendment in the other body to an otherwise innocent piece of electoral reform legislation. The bill in question, L. D. 255, ended by statute a practice that presently exists in Maine law concerning write-in votes, whereby if the voter checked the box beside a blank space, but neglected to write in the name, the

vote in question went to the candidate whose name was immediately above. Simple enough. But then, lo and behold, the amendment appeared which did not have to do with write-in votes but addressed itself to all votes, and in particular addressed itself to marks that were made outside the boxes, marks made for the most part in the most recent election, on the right hand side of the ballot by voters who until this last election had been used to marking the ballot on the right.

The last legislature, as we all know, in an attempt to simplify matters, moved the box to the left. Per usual, when we simplify, we confuse, and thousands of Maine voters did make their marks on the right. But that was all right because Attorney General Jon Lund ruled that the voter intent was the determining factor and that marks on the right would count. In his opinion, the Attorney General, and I will paraphrase from it, mentioned that previous Maine law had said that the cross or the apex of the checkmark had to be within the proper square and if it was not so marked, the ballot was considered defective, but that that provision had been repealed in 1965, and these were Attorney General Jon Lund's words, "In deleting that statutory provision, the legislature no longer intends that a ballot be considered defective whenever the mark made by the voter is placed in an improper location, provided the intent of the voter is determinable." Mr. Lund went on, "In the event that a voter marks a ballot with either a cross or a checkmark to the right of the name of the nominee or write-in candidate, which mark appears in the space containing the name of the nominee or write-in candidate, the ballot should not necessarily be considered defective for that reason and the vote for that nominee or write-in candidate may be counted, unless in the judgment of the election officials, the mark is considered to be a distinguishing mark.

Now, a partisan fight somehow developed in the other body over the introduction of this somewhat foreign amendment and the force of numbers prevailed and L. D. 255 came to us accompanied by Senate Amendment "A", whose germaneness was then challenged by the gentleman from East Millinocket, Mr. Birt, and the Speaker ruled that the amendment was not germane and the House adhered to its position.

Now, one would have thought that this would have been the end of the matter. Yet, yesterday, again in the other body, this ungermane amendment surfaced once more as the subject matter of an order requesting an opinion from the State Supreme Court to rule, among other things, and by implication, as to whether ballot marks on the right-hand side are valid votes. In the Senate order, it specifically stated that Senate Amendment "A" to Senate Paper 84 is designed to override the opinion of Attorney General Jon Lund, who ruled that these votes were valid.

The House order that I am introducing today also requests an opinion from the court, and that is whether or not a solemn occasion exists for the court to rule on these questions that are contained in the Senate order. It is our contention that this matter is not before the legislature, since the amendment was not accepted in this body and therefore is not an integral part of the bill.

Why all of this mysterious maneuvering,

you may well ask. Why all this fuss over an innocuous election law bill? Something must lie behind what is a rather transparent attempt at all costs to seek to reverse an Attorney General's opinion concerning the validity of votes cast by Maine people. What exactly is at stake here?

Now let us shift the scene to Washington, D. C. Every now and then news filters back to us in Maine of several recounts that are taking place in the nation's capitol. The best known, of course, is the U.S. Senate race in New Hampshire. We sometimes tend to forget that a recount is also taking place in our own first congressional district race here in Maine.

Could the strange events that had their origin in the other body the other day have anything to do with the recount in the Kyros-Emery election?

I will cite the fact that of the approximately 150,000 votes cast in that election, some 2,200 were totally on the right-hand side of the ballot and some 5,800 were partially on the right-hand side, and you can draw your own conclusion as to why an attempt is being made now in such an unexpected and unorthodox manner to invalidate those righthand ballot marks. Your conclusion may well be the same as mine, that here is an attempt to "wrap up" the recount and to disenfranchise those 8,000 or so voters whose intent was unmistakable in their choice of candidate, but who were confused by the changing of the position of the box beside the candidate's name. Some of these voters would be totally disenfranchised. For example, the 55 in Kittery who marked their ballot, which is one of the towns that I represent, who marked their ballot completely on the right-hand side, or the 8 in Nobleboro who marked their ballot completely on the right-hand side, and many more Maine people would lose their vote at the top of the ballot.

There are several other questions that this particular maneuver immediately brings to mind. Not being privy to the actual status of the recount, there is a tendency to wonder as to how much "desperation" there may be in this action. The lawyer for Mr. Emery, who is the well-known lobbyist, Charles Cragin, has been present in these halls and has, I believe, had a hand in the manufacturing of these Senate papers. Whether he has actually lobbied for his client, Mr. Emery, here is a question that perhaps bears investigation, for he is not registered with the Secretary of State as a lobbyist for the Emery for Congress Committee.

No doubt there will be a rebuttal to my remarks from my friends in the other corner. I would only hope that they would avoid the sort of standard "We are only doing it for good government" statement that you use to try to camouflage a situation like this.

Such sudden interest in election law reform, after months have gone by since we convened, when there were so many opportunities before cloture to introduce a bill in this regard, if the right-hand marking of the ballot or the specific location of the mark bothered people so much, and to do it only now, when the Kyros-Emery recount seems to be getting down to the nitty-gritty, and to do it not through a bill that has attempted to get through the Reference of Bills Committee, but through the doubtful procedure of forcing an amendment onto a vaguely appropriate bill and then using that to ask for a Supreme Court opinion.

One other curious point about this curious business, why did not Mr. Cragin and others seek redress in the courts without trying to go through this circuitous legislative route? It seems that in a previous congressional recount, Hale vs. Oliver, the Maine Supreme Court ruled that no state court has jurisdiction over ballot counting in a congressional election. And it is my information that Mr. Cragin, since he cited this opinion in his brief to the congressional body conducting the recount, is well aware of this ruling; thus, this backdoor approach of trying to reach the Supreme Court through the legislature on this ballot question.

It is possibly a little refreshing, in this relatively non-partisan session we have had so far, to see such a perfect example of old fashioned partisan power politics. As a historian, I appreciate this glimpse of how things used to be when anything went in regard to the capturing of an election. But I must, as an elected public official, deplore this attempt to involve the Supreme Court in a recount election that the apparent winning side may well feel could otherwise slip from its grasp.

I urge you to vote for this order and, Mr. Speaker, when the vote is taken, I ask that it be taken by the yeas and nays.

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

Mrs. BOUDREAU: Mr. Speaker and Members of the House: As a member of the Committee on Election Laws, I feel it necessary to make one thing clear for the record. The legislation, L. D. 255, under discussion in this order does, in my opinion, represent a significant change in Maine law. This bill, without the amendment added in the other body, passed unanimously out of our committee, and it deals with the checks or "X" placed in the write-in box when there is no write-in candidate listed by the voter. The bill states that this mark will then be invalid. The reason we need this legislation is that under present Maine law, a mark in the write-in box, as I have described, is counted for the candidate above. This interpretation was first made many years ago. This, at that time, had to do with party column ballot. In 1924, however, the Maine court gave an opinion concerning an office-type ballot, in which a mark outside the proper box, either above or below, counted for the nearest candidate. In 1968, the Maine Supreme Court issued an opinion upholding both previous decisions.

It is not my intention to argue court interpretation, but I did want to point out that L. D. 255 is a change in current law. I hope that we will very soon have the opportunity to get this legislation without any added amendments back before us so that we might pass this one very important change.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: My initial thought is that the movement of the box from the right-hand side to the left-hand side was a recommendation of the majority party, and I am surprised that it has caused them so much confusion. As I remember it, the bill was introduced by a member of the present majority party.

This morning, I would like to discuss this order. The Constitution says in Article VI, Section 3, "The Justices of the Supreme Judicial Court shall be obliged to give their opinion upon important questions of law,

and upon solemn occasions, when required by the Governor, Senate or House of Representatives." And I would point particularly to that word "or" because either body is independent in itself and can ask for decisions from the Maine Supreme Court.

Now, we presently have an order before us to request an opinion from the court, but I would want to point out to the House this afternoon that we presently do not have any issue before this House. The issue is presently on the table over in the body on the other end of the corridor.

The Supreme Court has, on at least one occasion — I haven't researched others — but at least on one occasion four years ago has sent back to this body an opinion unanswered saying that there was nothing before the body, and I feel the question of asking an opinion from the courts when there is nothing before the body would render the question moot and, therefore, I would move the indefinite postponement of this order.

The SPEAKER: The gentleman from East Millinocket, moves that the order to the court be indefinitely postponed.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is obvious that this has become somewhat of a partisan issue. I want to say to the gentleman from York, Mr. Rolde, that I was interested in listening to his remarks, since he talked about a lobbyist, the Emery-Kyros recount and an Attorney General's opinion, none of which are before us in this order.

I think and I said that the recount between Congressman Emery and former Congressman Kyros is irrelevant to this order. I think the Attorney General's opinion is also irrelevant. The fact that there was an issue in front of us a couple of days ago that dealt with the question of marking of ballots really is also irrelevant. The question, really, is whether or not we are going to send something to the Justices to question whether or not something sent to another body is in fact a solemn occasion.

I have a feeling that the Law Court of the State of Maine probably can determine that without our help, and I think that when one body decides to ask a question of the Law Court, that Law Court will base its decision on whether or not in fact that body complied with the requirements of law and also of the Constitution.

Sending this is nothing more than a partisan response to something done by another body which is controlled by an opposite party. So I think regardless of how one feels about what took place the other day and whether or not one feels that we should in fact change our laws to require that at least some part of your check or cross be in the box beside the candidate's name really has nothing to do with the issue before us today. The question is simply whether we are going to send an order into the law court saying that we question whether somebody else's action is, in fact, a solemn occasion. We don't need to do that; law courts are going to make that decision before they ever decide whether or not to answer the other body's question. So talking about partisanship, I'm sure that the votes are here if you want to send this, but I think it is totally superfluous and something that is going to be determined by the law court without having to send us their answer, because they're going to send their answer

back to the other body, they'll send it back either in the form of the answer to the question or in the form of saying that it's not a solemn occasion, therefore we are not going to answer the question. There is absolutely no need for this order and I support the motion to indefinitely postpone.

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

Mr. SMITH: Mr. Speaker, I ask for a Roll Call on the pending motion.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Because this very well may pass and head for the court, I think it is important that the specific inter-departmental memorandum containing the opinion of Republican Attorney Jon Lund be read into the record.

#### STATE OF MAINE

#### INTERNAL DEPARTMENTAL MEMORANDUM

November 5, 1974

To: Peter M. Damborg, Deputy  
Dept.: Secretary of State  
From: Jon A. Lund, Attorney General  
Dept.: Attorney General  
Subject: Marking of ballots for candidates in State-wide election

This is a reply to your memorandum of October 29 asking whether the Elections Division of the Secretary of State's Office should allow ballots for candidates seeking election to State-wide offices to be counted if marked on the right-hand side of the ballot at the November 5 General Election. The answer is yes, provided in the judgment of election officials, the mark is not considered to be a distinguishing mark.

The form of the ballot for the General Election is described in 21 M.R.S.A. § 702. With respect to the placement of squares (boxes) on the General Election Ballot, the square must be printed at the left and close to the name of each nominee or write-in space. 21 M.R.S.A. § 702, sub-§ 2, ¶ H. The statutes state "that a voter may designate his choice clearly by a cross or a checkmark" in the square. *Ibid.* The instructions required to be printed on the General Election Ballot specify that the voter is to make a cross (X) or a checkmark (✓) in the square at the left of the nominee or write-in candidate. 21 M.R.S.A. § 702, sub-§ 2, ¶ C.

Prior to the regular legislative session in 1965, the statutes on the subject of voting required a voter to mark his ballot so that the intersection of the cross or the apex of the checkmark was within the proper square, and if it was not so marked, the ballot was considered defective in law. That provision was repealed in 1965. P. L. 1965, C. 230. In deleting that statutory provision, the Legislature no longer intends that a ballot be considered defective whenever the mark made by the voter is placed in an improper location, provided the intent of the voter is determinable. Presently, a ballot is considered defective only when it contains too many marks or fails to express a definite choice. A ballot is considered void when not prepared in accordance with Title 21 or when it contains a distinguishing mark.

In the event that a voter marks a ballot with either a cross or a checkmark to the right of the name of the nominee or write-in candidate, which mark appears in the space containing the name of the nominee or write-in candidate, the ballot

should not necessarily be considered defective for that reason and the vote for that nominee or write-in candidate may be counted, unless in the judgment of the election officials the mark is considered to be a distinguishing mark. So wrote Attorney General Jon Lund.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, in response to Mr. Rolde's innuendo regarding Mr. Charles Cragin, I wish to insert in the record, the fact that Mr. Cragin's association with the Emery for Congress Recount Committee terminated when the State Recount terminated on December 23, 1974. Mr. Cragin now represents Congressman Emery before the Congress but does not in any state proceedings. I also pose a question to my colleague, the gentleman from York, does the gentleman know the points of disagreement at the present time between Mr. Emery and Mr. Kyros?

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, has posed a question through the Chair to the gentleman from York, Mr. Rolde who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen: I would imagine the point of disagreement between them is over who won the election.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen: If Mr. Cragin is all through with Mr. Emery, how come he was counting ballots and his picture was in the paper?

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBSINS: Mr. Speaker and Members of the House: The gentleman from East Millinocket, Mr. Birt, quoted for you from Article 6 of the Maine Constitution—Well, he quoted from the innotations from Article VI of the Maine Constitution. I think it's only appropriate that I read the total picture of what it says about solemn occasions because I think it is very important in this issue. The Supreme Judicial Court has spoken precisely to the point concerning a solemn occasion. This is spelled out in Article VI of the Maine Constitution.

It was the opinion of the Justices in 1908, cited in Volume 103, Page 506, and also the opinion of the Justices in 1901, cited in Volume 95, Page 564, that in order that the Justices of the Supreme Judicial Court be required to give their opinion to the legislature, the question must be submitted on a solemn occasion and if it appears to the Justices that such an occasion does not exist, it is their duty to decline to give that opinion. It is also cited, may I add, in Article VI of the innotations, 1961-62 Attorney General's report, on page 80, and I quote "It appears that the court will determine that a solemn occasion arises, that a solemn occasion does not exist when no affirmative action can be taken by the representing party and no solemn occasion exists when the issues forming the basis of a request can be determined by private litigation." Now, I think that the gentleman from York, Mr. Rolde has eloquently mentioned about the private litigation and how this matter could have been determined by the private litigation as he stated before. So, I do hope

you oppose the pending motion made by the gentleman from East Millinocket, Mr. Birt, so we may pass this order.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank the law student from Saco, Mr. Hobbins for telling us that the court has, in fact, on two occasions at least ruled on what a solemn occasion is and because of that, I am sure that again they'll know a solemn occasion if they see one and we don't need to help them by passing this asking them if it's a solemn occasion.

Also, in response to the remarks read into the record by Mr. Bustin, I just threw out the fact that this might be a partisan issue when I first spoke, but after looking at the question which was sent to the Justices by the other body, I see that in fact the whole memorandum which he read to us is included in their question, so I don't think it is necessary. They will have that memorandum, as well as the question proposed by the other Body, so I am sure that they'll do the right thing and there is absolutely no need to go ahead and pass this order.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: It is obvious that Mr. Kyros and Mr. Emery disagree over who won the election; only one of those gentlemen feels reasonably sure that he knows the answer to that, and I suppose I did walk into Mr. Rolde's very interesting reply, so I will be more specific. What I would like to know from the Democratic leader is exactly how the Senate amendment would prejudice the current recount procedure? That was the inference that he made in his remarks and also exactly how many disputed ballots would be affected by the Senate amendment?

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: First off, I suppose I would ask the gentleman, in response to his question, whether he is an employee of Congressman Emery?

The SPEAKER: The gentleman from York, Mr. Rolde has posed a question through the Chair to the gentleman from Kennebunk, Mr. McMahon, who may answer if he so desires. The Chair recognizes that gentleman.

Mr. McMAHON: Mr. Speaker, the gentleman from York knows full well that I am a part-time employee of the Congressman. The gentleman from York also knows full well that that present employment was approved by both an Attorney General opinion, by a Congressional Attorney General opinion, and also by the Ethics Committee of this body. I would suspect that the gentleman is trying to avoid answering the question and in doing so has replied in a slightly below-the-belt manner.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I don't think there is really a member of this body that wants to get into this kind of partisan debate with partisan rhetoric. I don't think there are many people in the State of Maine who have many questions about the last

election, and it annoys me that this question is brought before the House. The election was held last year. That election should be determined by the laws in effect at that time. This Legislature should not in any way try to attempt to influence the outcome of that election. I think the majority of the people of this state have determined who won the election. I think a number of us in this body would agree who had won the election, but somebody in another body is trying to manipulate us, and they are very successful, into some of the most partisan rhetoric that we have heard this session. We have some important, weighty matters coming before us this session and it seems too bad that we should respond to what I think is an irresponsible, unnecessary action in the other body to divide us in this House.

I commend everybody in this body so far this session for being very non-partisan. We work cooperatively; we haven't been partisan, but yet we have been manipulated and we are now involved in partisan rhetoric which is going to jeopardize, probably, some legislation that is going to come before us, but that is reason for that order to be in the other body, and there is no reason that we should be in that position.

I would go along, I guess if we defeat the indefinite postponement motion, like I hope; that we do, that we will, when we can take action on this tomorrow or Monday when we come in, that we will pass this order and keep this body out of this bickering which I think most people in this state and most members of the legislature don't want to be involved in.

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 East Millinocket, Mr. Birt, that this House Order be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Birt, Bowie, Byers, Churchill, Connors, Curtis, Durgin, Dyer, Farnham, Fenlason, Finemore, Garsoe, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Kauffman, Kelley, Laffin, Laverty, Lewin, Lewis, Littlefield, Lovell, Mackel, MacLeod, McBreairty, McKernan, McMahon, Miskavage, Morton, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Rollins, Shute, Silverman, Snowe, Sprowl, Stubbs, Susi, Tarr, Teague, Torrey, Walker.

NAY — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Doak, Dow, Drigotas, Dudley, Faucher, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingeneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, LaPointe, LeBlanc, Leonard, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, Mills, Morin, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Peterson, T.; Post, Powell, Quinn,

Raymond, Rideout, Rolde, Saunders, Smith, Snow, Spencer, Talbot, Theriault, Tierney, Tozier, Truman, Twitchell, Usher, Wagner, Wilfong, Winship, The Speaker.

ABSENT — Blodgett, Farley, Hutchings, Lizotte, Lunt, Mitchell, Strout, Tyndale, Webber.

Yes, 55; No, 86; Absent, 9.  
The SPEAKER: Fifty-five having voted in the affirmative and eighty-six in the negative, with nine being absent, the motion to indefinitely postpone does not prevail.

Pursuant to House Rule 41, was tabled for one legislative day pending passage.

#### Orders

Mr. Walker of Island Falls presented the following Joint Order and moved its passage: (H. P. 1594)

ORDERED, the Senate concurring, that Bill, "An Act to Dissolve Hospital Administrative District No. 3 in Aroostook and Penobscot Counties" (House Paper 932, Legislative Document No. 1176, be recalled from the legislative files to the House.

The Order was read.

The SPEAKER: Pursuant to Joint Rule 17-A, this requires a two-thirds vote. If you are in favor of this Order receiving passage to recall L. D. 1176 from the Legislative files you will vote yes; those opposed will vote no.

A vote of the House was taken.

125 having voted in the affirmative and one having voted in the negative, the Order received passage.

Sent up for concurrence.

Mr. Burns of Anson presented the following Joint Order and moved its passage: (H. P. 1597)

WHEREAS, the twentieth century has witnessed a rapid explosion of information-gathering activity in both the public and private sectors; and

WHEREAS, the extent of modern record-keeping operation and the introduction of computers to the record-keeping world pose a growing threat to the privacy of every citizen; and

WHEREAS, there are dangers in the need to know brought about by gathering too much information, unfair information practices and using information for purposes other than those for which it was gathered; and

WHEREAS, use of incorrect or incomplete information, sales of mailing lists, keeping of untimely data and denial of an individual to see or correct his own record can unjustly deprive an individual of his basic rights; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Legal Affairs, to study in depth the various kinds of record-keeping practices in use today in both the public and private sectors of this State to determine what kinds of record-keeping practices can lessen the potential harm to the individual who is the record subject and to recommend safeguards which will give individuals more privacy and control over information about themselves; 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.

Mr. Silverman of Calais presented the following Joint Order and moved its passage: (H. P. 1598)

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation of the 107th Legislature is authorized and directed to report out a bill naming the bridge between East Machias and Machiasport to commemorate the historical significance of a battle that was fought during the Revolutionary War.

The Order was read.

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

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1599)

WHEREAS, the statutes regulating the practice of barbering, Title 32, Chapter 7, and the practice of cosmetology, Title 32, chapter 23, have many conflicts and inconsistencies; and

WHEREAS, these conflicts and inconsistencies cause many different bills amending these statutes to be introduced in each session of the Legislature; and

WHEREAS, there is therefore a need to revise these statutes in order to regulate the practice of barbering and cosmetology consistently and in the best interests of the people of the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Business Legislation, to examine the practices of barbering and hairdressing; and be it further

ORDERED, that the State Board of Barbers, the State Board of Cosmetology and the Department of the Attorney General be respectfully directed to cooperate with the committee and provide such technical and other assistance as the committee deems necessary; 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, that suitable copies of this Order be transmitted forthwith to these agencies as notice of this directive.

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

Mr. Birt of East Millinocket presented the following Joint Resolution and moved its adoption: (H. P. 1600) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

#### JOINT RESOLUTION IN SUPPORT OF H. R. 1753 AND H. R. 5035 NOW PENDING IN THE UNITED STATES CONGRESS

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

WHEREAS, there are presently before the Congress two bills, H. R. 1753 and H. R. 5035, concerning the transmittal to the states of Decennial Census data which is highly desirable for use for state and local

legislative apportionment and for state districting; and

WHEREAS, it is vital for legislatures and other bodies to have access to prompt and usable census data if they are to accurately accomplish necessary legislative apportionment and state districting; and

WHEREAS, passage of H. R. 1753 and H. R. 5035 would materially aid in prompt state access to usable Decennial Census data; now, therefore, be it

RESOLVED, that We, your Memorialists, do hereby respectfully request and urge that the United States Congress this year enact into law legislation, substantially the same as H. R. 1753 and H. R. 5035, to aid in the transmittal of federal census data to the states; 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 of Representatives and to the President of the Senate of the United States Congress and to each member of the Maine Congressional Delegation.

The Resolution was read.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Just a brief explanation as to what is involved with this. At present there is legislation before the United States Congress setting up plans for the census taking in 1980, and in 1970, being involved with some of the problems on apportionment, we found that the census did not always lend themselves to giving us the desired population information.

The legislation that is before Congress has given some consideration to this, and this memorial might encourage them to continue to try to allow the states to send back information that will give them the districting so that they could determine whether people are for proper use in apportionment. I think this is a good order and I hope you pass it.

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

Mr. Palmer of Nobleboro presented the following Joint Resolution and moved its adoption: (H. P. 1601) (Cosponsors: Messrs. McKernan of Bangor, Dam of Skowhegan) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

JOINT RESOLUTION TO COMMEND  
THE  
PRESIDENT OF THE UNITED STATES  
ON HIS VIGOROUS ACTIONS TO  
SECURE THE RELEASE OF THE  
MAYAGUEZ AND HER CREW  
FROM THE CAMBODIANS

WHEREAS, on Monday, May 12, 1975 a Cambodian gunboat fired at and seized the unarmed United States Merchant Ship Mayaguez some sixty miles off the coast of Cambodia; and

WHEREAS, reflecting the mood of the nation, President Ford demanded the ship and its crew be freed, a demand which was backed by a show of force indicating that the United States would not accept harassment of ships on international sea lanes; and

WHEREAS, on the third day following this act of piracy and the vigorous diplomatic and military response of the United States, the vessel and crew members were successfully rescued from the Cambodians; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the One Hundred and Seventh Legislature of the State of Maine, now assembled, take this opportunity to commend the efforts of the Honorable Gerald R. Ford, President of the United States and those in the service of our Federal Government who have successfully secured the safe return of the Mayaguez and her crew and hopefully demonstrated to the world that the United States will vigorously resist piracy of our ships on international sea lanes; and be it further

RESOLVED: That a copy of this resolution duly authenticated by the Secretary of State be transmitted forthwith by the Secretary of State to the President of the United States and to the Senators and Representatives in Congress from the State of Maine.

The Resolution was read.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Just two short weeks ago, some members of the Maine House of Representatives were eloquently acknowledging the end of the American involvement in Vietnam. And just two short weeks before that, several members of this House attended a foreign policy conference in Washington, during which state department officials actually said that Vietnam could be stabilized. This was a few days after President Ford had called for \$722 million in Military Aid for Vietnam. The conference had been billed as a briefing and dialogue, so I asked the State Dept. officials if they would like a show of hands, from the 400 "young grass roots politicians" present, as to the extent of support for the Administration's call for military aid. Just a handful of people there supported the military aid, while most of us indicated we were very willing to give humanitarian or refugee aid. The State Department could have cared less about what we thought.

And now, a month after that disquieting foreign policy conference, and two weeks after the newspaper headlines all signified the end of American involvement in Vietnam, we learn that this country was once again involved in a military encounter in Southeast Asia — firing upon Cambodian vessels — lives were lost. Thailand is beseeching us to evacuate our military from its borders. Why couldn't we have tried harder to work through diplomatic channels to regain our own captured crewmen?

The State Department, the Secretary of State, the President, haven't they gotten the message from American people that we are no longer interested in military engagements in Southeast Asia? I'm anything but an "isolationist", international trade is just fine, but killing?

I had intended to submit a joint resolution memorializing the President to end consideration of military engagements in Southeast Asia and, instead, today, we are presented with a Joint Resolution commending the President for his "vigorous diplomatic and military response". I am disgusted by this Joint Resolution and wanted to voice my dissent "on the record" before this document passed "under the hammer" and was sent "to the President" encouraging him in the further use of armed force.

I will not ask for a division on the

passage of this resolution instead. I ask that when we adjourn today, we adjourn in memory of the unknown numbers of lives lost this week in Southeast Asia (and I quote the Resolution) in our demonstration "to the world that the United States will vigorously resist piracy of our ships on international sea lanes."

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: It is with some trepidation that I rise to talk foreign policy on the Floor of the Maine House of Representatives. Certainly this is neither the proper nor the most useful forum for that kind of debate. Unfortunately, this seems to be minority manipulation day. We are put, those of us who have a conscience about these kinds of questions, we are put in the awkward position of seeming to oppose something which is very popular before the American people. American people have always admired action. Virtually any time any President has ever taken strong action in any kind of crisis, the polls show immediate support for him. Unfortunately the judgment of history has not been so tolerant. The motion before us today ask that we pass a judgment as legislators of the State of Maine on the foreign policy action of our President. I only would ask these questions, do we actually know enough about this action to pass this kind of judgment? We don't even know what the casualties were yet. We understand there are two or three American soldiers killed and about 17 missing, but that is not clear. We do know a few things, we know that Thailand has withdrawn their ambassador from the United States, which means that we have lost diplomatic relations with the only ally left on that Continent. We know that they are going to ask us to leave the bases within Thailand, again the only major land base we had on that Continent. We know that our own senators are confused over the action. Senator Muskie, thinks it was wise, Senator Hathaway thinks it was unwise. We remember, perhaps, that there was another incident quite similar to this called the Pueblo which was seized in Korea. I happened to be in Washington during the week in which this same kind of debate was going on, what do we do about the seizure of our ship? I happened to be in a place in which Gerald Ford was addressing a conference of the Junior Chamber of Commerce, and I heard his remarks and his remarks were to do there roughly what he has done in this regard. But, for some reason, and I was not privy to the discussion certainly and I don't know why, but President Johnson chose not to take that course. Our boys stayed imprisoned and I regret that terribly, for a long period of time, almost a year. Every one of them came back alive. No American lives were lost. No allies were lost and so we have to ask, was this the wisest course? I don't know. It may very well have been. Finally, the main reason I rise to oppose what ought to go through quickly, I know, I know these memorials don't mean anything. I rise because I remember another President, a Democratic President, I am ashamed to say, once lied to the American people about an attack on American ships off the Gulf of Tonkin and he pushed through a Resolution through a Congress very much similar to our own group reacting to the emotion of an event which had allegedly taken place. When they passed it, it was known as the Gulf of Tonkin Resolution. Only two senators had the courage to vote



against that, and those two senators, who have since passed away, were proud of that vote the rest of their lives. I can not add my name to what ought to go through, I suppose, as an automatic vote because it is not going to mean anything. I simply can not make that kind of judgment based on the scanty evidence that we, in Maine, debating until eight o'clock, on the business of the State of Maine, get from our evening news programs, so I resent the fact that we have been manipulated, that we have got a resolution before us to either pass or embarrass us and we can't win either way. I would ask that there be a division on this vote and I would hope that we won't have to debate foreign policy all afternoon here in the State of Maine, but it has been forced upon us. I had to make this statement to explain why I will vote no on the Resolution.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I want to commend the gentleman from Nobleboro for putting in the Joint Resolution and I would only point out, without debating the merits of the thing at all, that the feelings of the gentlewoman from Waterville are not those of the people from Waterville and certainly not those of the gentleman from Waterville sitting in this corner.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I had not planned on speaking on this issue. I am a Republican. I have never supported the President since he took office, until last week. I came home from my store a little after midnight. I had the TV on at about 25 minutes of one in the morning and the President told this nation that he had sent the Marines in, that we were going to get that ship back and get those men back and it is about time that the President of the United States takes action against people who bother our ships on the high seas, who intimidate our people. They have burned our flags in foreign countries, they have burned our banks, they have walked all over us and I say it is about time now that we get behind the President, in this incident, anyway. Something else will come up and I will be against him, but this incident I am for him. And this is the first time since he has taken office that I have been for him. When he gave amnesty to draft dodgers, I divorced him, and I said then, that I would never support him as a President and probably I never will but right now, at least, I am for him and I think it is time that the people of this country stood up and supported the President because we are sick and tired of having these people tell us what they are going to do. You know, it is a funny thing but if we are going to live in a nation of Mickey Mouse's, we are going to live in a nation that is going to be conquered and we must not be conquered, we must let these people know we mean business and if we have to kill, we kill them, and that is what it means, we want them ships protected and I am for it.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I, at first thought after I read this morning's calendar that I was going to be the only one to stand up with serious reservations about this particular Joint Resolution. I have serious questions about the President, about his

actions. I have serious reservations as to what happened to peaceful negotiations in this particular instance. I would like to find out exactly what happened and the reasons why. The thing that really galls me and really bothers me is something that I haven't heard yet and I have been wondering about for the last three or four days, and that is the fact, that those three ships, those three gun-boats were fired upon and sank at eight o'clock on Tuesday. The congressional leadership found out about it at five thirty Tuesday morning, but, we, the American people didn't find out about it until Wednesday afternoon. Therefore, I have come to the speculation that this country could actually be at war and not know about it. I don't know about you, but that scares me. It scares me because that is what happened before. I have real serious reservations about this Joint Order and I am not going to make a move to have it killed but I am going to vote against it. As far as I know, as far as what I have read in the paper, we have lost two lives, two marines. Who is going to explain to their families what happened and why their lives were lost. I have no qualms about being patriotic to this country but I do have qualms about being patriotic to this country if we are going around killing and shooting and not knowing about it. Those are my reservations. I took like the gentleman from Auburn, like the gentlelady from Waterville, Mrs. Kany, am going to vote against this Joint Resolution.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I want to really commend my good friend from Auburn, Representative Hughes, for really enlightening me today and telling me, maybe, where I belong. Maybe I do, maybe I am a member of the minority party, since that is the words he used and says they have been manipulated again by members of the minority party. I can tell this House one thing. I may be registered a Democrat but first of all, and only, and forever, the first thing will be that I am an American. Yesterday, I went to the Legislative Research Office to have an order drafted, this same order and I was told that the good gentleman from Nobleboro, Mr. Palmer, had been down about two minutes earlier. I mentioned to that good gentleman in the hall that I had just been down and what I had intended to do and the question that I was asked "would you care to co-sponsor it?" I didn't ask that question of Mr. Palmer because his philosophy, politically, is different than mine. I was hoping, though, that he would ask me the question, did I want to co-sponsor because that is what wanted to do. If I couldn't sponsor the order, at least I wanted to co-sponsor. The reason for doing this, I think the President of the United States should be commended for the action he took. I think this was the greatest day that the United States of America has seen for many years. I think it was a day when we told the whole world that no longer was we going to set back and listen to the little cream puffs or namby-pambies or whatever you want to call them, the little flaky or the little sandal-wearers or the little people coming to telling us what to do, no longer are we going to set back and do this. The United States is going to stand up as the America that we used to know and going to assert our rights. I would like to say to the Representative from Waterville, Mrs. Kany, would it be better,

maybe, if we had entered into a blackmail deal or a ransom deal to get our American people and our ship back?

Personally, I don't think so. Even if it become necessary to engage in a war or to spread the conflict, then so be it. At least America asserts its rights. Too long, we have had people in Washington that would bow down to the people that would wave the Communist Flag, the Flag of North Vietnam, which was out here on the front lawn of the Capitol Building today. That was a sad day, today, and it wasn't a day that should have been. It seems strange to me, that members from one side of the aisle seem to take on the fight to condemn the President of the United States. In my way of thinking, regardless, whether this man is a member of my party or a member of the opposition party or even if he happened to be a so-called Independent, this man was elected by the people of the United States. He is the leader of this country and he is the Commander-in-Chief. I don't think this is a political year. I think this is a year that we have put all our feelings aside. We have to rally to the support of the President. He needs the support now. I think we should commend him when he does something right. I also reserve the right to criticize when he does something wrong.

It seems strange that other members get up and say that they have become — that it puts a scare into them when these things happen. I can assure those members that if this puts a scare in them, that over the past years and including today, what I saw out front with a flag of a foreign nation on the soil of our Capitol in the State of Maine, it sure puts a scare into me. It puts a scare into me when I hear speeches made, Communistic speeches on the capitol lawn about dividing the wealth of the nation.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly and inquires for what purpose the gentleman arises.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would inquire whether the remarks of the gentleman are pertinent to the order before us.

The SPEAKER: The Chair would advise the gentleman from Portland that it would be rather difficult to determine what is before this Body.

The Chair would advise the gentleman from Skowhegan and other members of this Body that we are dealing with a specific order and would wish that one would refrain and contain their remarks thereto.

The gentleman may proceed.

Mr. DAM: Mr. Speaker and Members of the House: I am sorry, and I apologize to the Chair and to the members of the House, but I thought this was opened up by using the word scare and scare, I think it could be used on one side, it could be used on the other, but, again, I will refrain from expanding on the unfortunate incidents of today and go back to the very honorable incidence of when the President took his action.

I would wonder, today, that if the President of the United States had not taken this action and it said the enemy powers, you can keep our Americans there, you can keep our ships, would there not, maybe, have been a resolution

introduced by some members to commend him for that action?

It seems strange that when a man, such as the President of the United States, does something that is indeed highly honorable, that he is condemned. I would hope, today, there has been no motion made yet, but it may come, because long before I got into the Capitol this noon, I knew that the attack was going to be levied against the order. In fact, a couple of the members told me that they were going to speak. That doesn't bother me, speaking against the order. It does bother me speaking against the President of the United States, when he has done something for which every American, and I will use the word "true" American should commend him. So, since there has been no motion made from the other side to kill the order, I am sure it will come, if anybody really feels that strongly on it, and since I would like to know the real outcome of how the people's feelings are, I would ask, Mr. Speaker, that either on the adoption of the motion or any other motion that might come later, that we have a roll call.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I am not afraid of a division on this order, because I do not believe that Mr. Linwood Palmer or Mr. Everett Dam have the right to set the criteria of what is patriotism. I think that we have two great Americans in Washington; one, Senator Muskie and one, Senator Hathaway and they are on opposing sides, and in my book, either one of these gentlemen, regardless of his position on this particular bit of diplomacy or gunboat diplomacy, if you wish to call it that, is entitled to his opinion and is no less an American. I would hope that when we take the vote whichever way any one of us votes, that the rest of us have the decency and the tolerance as true Americans that we remember our Constitution and we remember the sacred rights of dissent, whichever way our seatmate votes should, in my opinion, lessen his patriotism not one bit in our opinion.

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

Mr. PALMER: Mr. Speaker and Members of the House: I'll say just a word or two and I want to clarify one thing and make it very, very clear. This order was not put in by me in any way to embarrass anyone in this House. This resolution was put in by me because I feel the way the Resolution reads. I thank God we all have the right to have a difference of opinion. I want to just make one simple statement. I wanted you to know exactly how I feel about this. I say this with no rancor, no bitterness, I say this because it comes from my heart. I didn't put this in to stir up a great big partisan dispute.

I didn't intend to discuss or debate foreign policy here today. This resolution is offered as simply to show confidence in a man who took a strong, quick, decisive action which helped to revitalize the nation's and the world's faith in the ability of our country to stand firm in the face of what I call an injustice. The travesty of Viet Nam had demoralized this nation and raised doubts about her future ability to react decisively in the face of acts of outright piracy. This act not only helps pull us out of the psychological morass of post-Viet Nam insecurity and isolation, but may very well prevent prolonged round-

table and fruitless round of discussions with what I call a petty dictatorship who is unwilling to respond to the equity of an incident in any manner.

For critics, I say this to you as spoken today. For critics who would second guess our country's action and analyze only the facts they choose to believe, I welcome your criticism. This resolution does not presume to justify our nation for its wrongs both past and present or future. It is merely an expression of relief in the safety of our men, an acknowledgement that now the world can believe we will honor international laws and commitments in spite of our recent national tragedy and a show of confidence to a leader who could easily have succumbed to the national mood of self-doubt, but instead made a forthright decision which has again rekindled the nation to the determination to commit action to principle.

And once again I say to you, there was no motive other than that, for I do believe that and I believe it sincerely as you people have expressed your thoughts here believe yours. That is your right; this is mine, and as a matter of fact, when I asked the Committee on Reference of Bills to approve this resolution for entrance into this House, I told the Speaker I was perfectly willing to present the order and say nothing and just have it go under the gavel like so many other orders do, but this was not the course of action that we apparently were to take this afternoon. I am sorry for that, but I want you to know that my motives were perfectly pure and perfectly honorable.

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

Mr. JALBERT: Mr. Speaker and Members of the House: My feelings for the gentleman from Nobleboro have been too strong for too many years for me not to believe what he says. I have known him socially, intimately, for a quarter of a century. He says, however, that he was not motivated by anything but just his conscience and talking through his heart, and I believe that. But what you should have done, and I address myself to the gentleman from Nobleboro, Mr. Palmer, would have been when you put in the order, would have said "Mr. Speaker, I present this order and I do it speaking for myself." The moment you raised that mike it was the same as if the gentleman from York, Mr. Rolde, would have got up and done the same thing or the Speaker of the House would have got off the rostrum and let someone else take the rostrum and he would have done the same thing. That was the big error here that was done at 2:30 on a Friday afternoon.

On two separate occasions here what we have done? We have torn ourselves apart after being here since January 1 and by gorry, nobody can say that I haven't contributed my share to wanting to cooperate here. I am amazed at my own self, not surprised, I am amazed at my own self when I check back to the many years that I have been here and the beef stews and the rhubarbs, the arguments and the times that I have got up to speak. I can't believe it and I think at least if we have a chance to go over, in view of what happened, I think in view of what has happened this afternoon and the manner this thing was presented and the way that I have heard these people speak, at least this should be tabled 'till Monday 'till we can reflect on it and then vote on it.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I guess most of you know as well as I do just how much these Resolutions amount to, and to be honest with you I came here to serve my constituents and that's what I thought I was going to do today. I have been here since around 11:00 and I haven't done anything yet. We have spent a considerable amount of time debating things that aren't going to amount to anything anyway, that includes the previous issue. What I did do, however, was I did write a letter to the President and to two United States Senators and I will almost bet you that those letters will be more effective than any Resolution you'll ever put through this place.

Now, I have got more pressing business to do than just stand around here and listen to this foolishness all day, and I can inform you now that I have not missed a roll call vote this session, but I do have a few constituent services that I am going to perform and I think I will leave now and start performing those services and possibly when the House is ready to get down to business, a Page can come and let me know when that is and I would be happy to return.

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

Mr. ROLDE: Mr. Speaker, I, too, feel that the gentleman from Nobleboro and I am sure the gentleman from Skowhegan and the gentleman from Bangor had the best of motives in putting in this Order but unfortunately it has sparked a debate that is very divisive. There is one thing that I find missing from the Order, and I note in the headlines today it speaks of two dead and fourteen missing, and I do wonder whether the gentleman from Nobleboro might table his Order for one day and rework it so that he could put in some expression of tribute to those who were killed and some expression of concern that those who were missing will return safely.

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

Mr. PALMER: Mr. Speaker and Members of the House: If the good gentleman in the righthand corner will read the Resolution, he will note that I do exactly that by saying that I commend the efforts of the Honorable Gerald R. Ford, President of the United States and those in the service of our federal government who have successfully secured this safe return.

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

Mr. PETERSON: Mr. Speaker and Members of the House: I will be very brief and I apologize to the men and women of the House for speaking three times today, but I think that the actions that have occurred today are probably some of the most alarming that have happened this session. We have today a resolution before us in which most of us, I am sure my initial reaction was positive to the President's reaction to the piracy of the Mayaguez and I think most of us feel that the President, if the situation, if the facts as related by the Press are totally accurate, then I personally would commend the President of the United States in his action. But if this is another Tonkin Bay Resolution problem in which it wasn't years until we found the truth that the shots put across the gunboat were really not that close, it wasn't really that much of an incident. But I will feel

that we will have acted in haste and that maybe we might regret our action and I wish that this Resolution had been offered later when all the facts were known so that we would not place members of this body supporting an action which I do want to support if all the facts are true as related. But it bothers me if I do support this Resolution in haste and then later unbeknown to us, it is discovered that maybe the facts as related by the press were not accurate, then I would feel that I had done a disservice to the people of this state and the nation in commending the President for this action.

I hope that is not the case and it has been brought to a point that we are going to be forced to vote on this and I will have to go along with the Resolution, but I do it with grave reservations, even though I would commend the President in his action if all that has been conveyed to us is true.

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

Mr. DeVANE: Mr. Speaker, we do not know precisely now what the facts of this situation are, but I, for one, am going to assume that the facts are accurately reflected in the order and in so doing, in so assuming, I will support the order of the gentleman but I would like to disassociate myself from what I consider to be the ignorance, stupidity, rancor and blatant prejudice of several of the previous speakers who will also support the order, Sir.

The SPEAKER: The Chair would advise the gentleman from Ellsworth to be somewhat more kind about his fellow members.

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 adoption of Joint Resolution, House Paper 1601. All in favor of the adoption of this Joint Resolution will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Conners, Cote, Cox, Curtis, Dam, DeVane, Doak, Dow, Dudley, Durgin, Dyer, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hewes, Higgins, Hinds, Hobbins, Hunter, Immonen, Jackson, Jacques, Jalbert, Joyce, Kauffman, Kelleher, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lynch, MacEachern, Mcakel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Morin, Mortin, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Tague, Theriault, Torrey, Tozier, Truymen, Tiwchell, Usehr, Walker, Wilfong, Winship.

NAY — Bustin, Connolly, Davies,

Hennessey, Hughes, Ingegneri, Jensen, Kany, LaPointe, Talbot, Tierney, Wagner.

ABSENT — Bachrach, Berry, P. P.; Blodgett, Clark, Cooney, Curran, P.; Curran, R.; Drigotas, Farley, Gauthier, Hutchings, Kelley, Lizotte, Lunt, Martin, A.; Miskavage, Mitchell, Pelosi, Post, Tyndale, Webber.

Yes, 116; No, 12; Absent, 21.

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

Sent up for concurrence.

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

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations for the Aid to Families with Dependent Children Program" (H. P. 605) (L. D. 748) reporting "Ought Not to Pass"

Mr. Rollins from the Committee on Agriculture on Bill "An Act to Provide for the Licensing of Agricultural Fairs" (Emergency) (H. P. 639) (L. D. 808) reporting same.

Mr. Torrey from the Committee on Agriculture on Bill "An Act Relating to Stray Cats" (H. P. 1119) (L. D. 1399) reporting same.

Mrs. Post from the Committee on Health and Institutional Services on Bill "An Act Revising the Pauper Laws" (H. P. 1172) (L. D. 1473) reporting same.

Mr. Churchill from the Committee on Fisheries and Wildlife on Bill "An Act Restricting Guide Licenses to Residents and Requiring Nonresidents to Have a Guide While Hunting or Fishing" (H. P. 1354) (L. D. 1656) reporting same.

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

#### Leave to Withdraw

Mr. Bagley from the Committee on Education on Bill "An Act Relating to Conferring Degrees by Beal Business School" (H. P. 995) (L. D. 1259) reporting Leave to Withdraw

Mr. Carroll from the Committee on Agriculture on Bill "An Act Concerning the Retention Period for Sick, Stray, Injured or Abandoned Dogs Brought to a Licensed Veterinarian, Humane Society or Animal Shelter" (H. P. 1216) (L. D. 1530) reporting same.

Mr. Kennedy from the Committee on Health and Institutional Services on Bill "An Act to Require Proficiency Testing of Services Provided by Hospital Laboratories" (H. P. 362) (L. D. 453) reporting same.

Mrs. Laverty from the Committee on Health and Institutional Services on Bill "An Act to Provide Dental Care to Developmentally Disabled Boarding and Nursing Home Clients and to Other Persons" (H. P. 918) (L. D. 1135) reporting same.

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act Allowing Licensees under the Liquor Laws more Control over Licensed Premises" (H. P. 226) (L. D. 282) reporting same.

Mr. Conners from the Committee on Human Resources on Bill "An Act Revising the Laws Pertaining to the Penobscot Indians of Maine" (H. P. 1380) (L. D. 1771) reporting same.

Mr. Connolly from the Committee on Education on Bill "An Act to Clarify

Assessment of the School Tax" (H. P. 569) (L. D. 705) reporting same.

Mr. Wilfong from the Committee on Natural Resources on Bill, "An Act to Authorize the Board of Environmental Protection to Grant a Time Schedule Variance to Users and Planned Users of Proposed Municipal or Quasi-Municipal Waste Treatment Facilities" (H. P. 780) (L. D. 951) reporting same.

Reports were read and accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Permit the Advertising of Prescription Eyeglasses and Other Optical Devices" (H. P. 893) (L. D. 1068)

Report was signed by the following members:

Messrs. HICHENS of York,  
GREELEY of Waldo

-of the Senate.

Mrs. MORIN of Old Orchard Beach,  
LAVERY of Millinocket,

Messrs. SPROWL of Hope,  
LOVELL of Sanford,  
HENNESSEY of West Bath,  
CURRAN of South Portland,  
KENNEDY of Gray

-of the House.

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

Report was signed by the following members:

Mr. BERRY of Androscoggin

-of the Senate.

Mrs. POST of Owls Head,  
Messrs. GOODWIN of South Berwick,  
LaPOINTE of Portland

-of the House

Reports were read.

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

Mr. GOODWIN: Mr. Speaker, I move we accept the "Ought to Pass" report.

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

Mr. LOVELL: Mr. Speaker, I move the indefinite postponement of this bill and all accompanying papers and would speak briefly to my motion.

The SPEAKER: The Gentlemen from Sanford, Mr. Lovell, moves that this Bill and all accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: I have been wearing eyeglasses for some 50-odd years and I notice many of you around here have too. It is my feeling and the feeling of my constituents that eyeglasses should not be put up for advertising. I definitely feel, as I am sure many of you do, that the eyes are a very important part of your body and to have eyeglasses fitted by incompetent people, which this bill, if passed, could, very well mean, people coming to the state of Maine to practice — opticians, optometrists, coming here and giving you or making you inferior eyeglasses.

Now, actually the trade practice rules, and I am not going to take much time because we've already spent a great deal of time, but the trade practice rules as put out by the Federal Trade Commission definitely state that the false advertising of contact lenses is a very dangerous thing. They have advised against — well it is against the law actually for a person to, or an optometrist to advertise they are suitable and safe for all persons,

regardless of age, health or eye condition. They can be worn satisfactorily and without discomfort by all and so on. They have about 15 different things; then they have what they call bait-advertising of false impressions of the grade, quality, make, value, currency of model, size, usability, origin of the product offered.

Now, there are many other different things but I am not going to bore you because I don't feel that is really necessary to do this.

Now I went along with advertising of prescriptions here because I don't think it is that important as the profession of optometry is. I have particular feelings for the optometrist but I don't think that I have ever been socked for a pair of eyeglasses that I've ever bought. I think they have been very normal and I think their testing of eyes has been very normal, but to regulate this prescription business of eyeglasses, to regulate it for out-of-staters to come in here with inferior quality and advertise, which they have done in many states, and advertise a low price, you don't get the quality lens or the quality product that you deserve in your eyeglasses that you're going to get to wear, in many cases, the rest of your life. And I would definitely hope you will indefinitely postpone this bill and I would ask for a division.

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

Mr. LaPOINTE: Mr. Speaker and Men and Women of the House: I sponsored this bill in that I felt that by eliminating the statutory prohibition on eyeglasses that we would, in fact, lower the cost of prescription eyeglasses and other optometric devices to the consumers in the state of Maine.

The gentleman from Sanford, Mr. Lovell has drawn the analogy between the optometrist and the pharmacist, an analogy which he is well aware of, but I think also that there is another side to that particular coin.

I would like to give you some background on this particular measure. This morning, or rather early this afternoon, I had distributed an article that was in the Parade Magazine that dealt with the whole question of eye glasses and advertising and that article is really a summary of a report that was done by an unbiased economist at the University of Chicago in which he wrote a very thorough paper on the relationship between advertising and prescription eye glasses. This particular article appeared in the Journal of Law and Economics that is published by the University of Chicago. Let me just quote from the particular report. It says, "Despite the shortcomings of these estimates they serve to indicate that the direction and magnitude of the effect of advertising. The estimates of eye-glass prices alone suggest that advertising restrictions in this market increases the prices paid by the consumer up from 25 percent to more than 100 percent in the purchase of eye glasses."

It is a very, very significant factor to take into consideration when we vote on the indefinite postponement of this particular bill as proposed by the gentleman from Sanford, Mr. Lovell.

I would also like to point out that in the course of this particular article in one of the footnotes, the author or the researcher, indicates that 90 percent of the eye-glasses that are worn in the United States are made by three companies. 90 percent of

the eyeglasses are made by three companies and three companies alone and they are American Optical, Bausch & Lomb and Shore & Continental. That is a rather significant rebuttal in my mind to the question of lack of quality and a lack of standards, when 90 percent of the eyeglasses that are made in this country are made by three companies and we all know who those companies are. If you took off your eyeglasses today, you would probably see the name Bauch and Lomb or American Optical on those eyeglasses.

The other question of quality that has been raised by the gentleman from Sanford, I think, is a specious argument in that the Federal Drug Administration, much in the same way as they do for prescription medicines and over-the-counter drugs, also prescribe standards of quality for eye-glasses. They have promulgated rules and regulations that are contained in the Federal Register dated February 2, 1972, that deal with the quality of eyeglasses and the prescription eyeglasses that you, yourself, have on today, if you happen to be wearing them.

Relative to the whole problem of bait and switch there are laws on the books that deal with bait and switch as it relates to not only the advertising of eyeglasses but also as it relates to the advertising, virtually of any product. Very specifically, the Federal Trade Commission, in rules that were promulgated in January 1962 and these rules and regulations are still in force, it very, very carefully and very, very strictly outlines prohibitions relative to bait advertising under Rule 4 as it deals with eyeglasses and optometric devices.

In addition to that, if one isn't satisfied with the security of the Federal Trade Commission, rules and regulations we have on the books in the State of Maine, prohibitions as they relate to bait and switch advertising, these also are on the statutes.

In summary, ladies and gentlemen of the House, I think that the statutory prohibition on eyeglasses is very much analogous to the situation we dealt with as it relates to prescription medicines. This was one of these laws that was put on the books historically at the urging of the professional organization or association, involved and in this case the optometrist to sort of put a restriction on the type of merchandise and the type of service that they provide and it works to the detriment of the consumer. Furthermore, I would like to point out, that if you have gone to your optometrist lately, I would like to take a moment to describe the process that you ordinarily go through when you go to your neighborhood or local optometrist and that is, that he seats you or gives you an eye examination and if you are one of these people who needs glasses, he will indicate to you that you do need glasses, and more than likely he will tell you to come back in a week to ten days and he will have your glasses ready for you. The alert consumer, if he or she, decided to do this, could request a prescription and they would take this prescription to their local optician, an optician of their bidding whether it is in Bangor or Lewiston or Auburn or in any other city for that matter and they could shop around and get the best deal for their own pocketbook as relates to their eye care needs.

In summary, I would like to point out that this is clearly an economic question, it is a question that affects the consumers of the State of Maine and in these troubled economic times with spiraling inflation, I

think that we could pass this law and those people who have to purchase eyeglasses could do without the unnecessary restriction of knowing the cost of what they are going to buy. The question of poor quality, I think, as far as the product is concerned, is regulated by the Federal Drug Administration, and thirdly, the question about bait and switch is dealt with by the Federal Trade Commission and by State Statute currently on the books. I would hope that you would all vote against the motion to indefinitely postpone this particular bill and I hope that you will accept the Minority "Ought to Pass" Report and I ask for a division.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This kind of a bill disturbs me a great deal. The implication is that licensed optometrists and licensed ophthalmologists are deliberately overcharging their clients, their patients, for eye glasses. I reject this theory out of hand. I just don't think these people who are professionally competent people are doing such a thing. None of these people ever tried to sell me any extra glasses or colored glasses and I have been wearing them for a good many years. Glasses do last a long time. Our eyes don't change that often but they do change. It certainly is not unwise to make a reasonably good investment in a pair of properly fitted glasses.

As far as the poorer people are concerned, in my opinion, this would do a great disservice to these people because one good pair of properly fitted is certainly worth more than several pairs of improperly fitted.

Frankly, I think, this kind of legislation, and I have no doubt of the motives of the good gentleman from Portland, but this legislation is put in to support a small commercial enterprise and would enhance the over-selling of eyeglasses. I think in many cases, this would be for the benefit of unscrupulous opticians and I think it should be rejected out of hand and I certainly hope you will support the gentleman from Sanford Mr. Lovell, and when the vote is taken, I ask for the yeas and nays.

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

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: There is one point in quality that I would like to speak of and that is quality of service. Opticians may sell good glasses but once they are made they mail them back to you and you put them on, they do not fit you again. This quality comes with your optometrist who will again adjust them to you and make sure that they are the right quality. I think we are overlooking that point in this whole idea of advertising glasses. I am one who signed that we "Ought not to Pass" this bill and I hope you will go along with me.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to belabor this issue too much because the representative from Portland, Mr. LaPointe, has pointed out, I think, all the good points behind this, but I do want to give you one experience that I have had. A friend of mine had to get a new pair of glasses and went to three different opticians in my area, two in New

Hampshire, one in Maine, and found that the price for the glasses that he wanted was just too expensive at this particular point. I suggested to go to an optician in Portland, which I felt would probably be a little less expensive. It was \$24 less for the pair of glasses this person got from the lowest price that this person was quoted in the other three places that we went. \$24 less for the same prescription, the same quality of glasses.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to try to compensate for a broken promise. Some weeks ago, I noticed this bill across the desk and I sent a note to Mr. LaPointe and congratulated him on submitting the bill and said I will come to your hearing and I will bring a brass-band, to support you. Well, I failed to make the hearing and, obviously, I don't have the brass-band today, but I am an enthusiastic supporter of the bill.

To put the bill in perspective, we are talking again about permissive legislation. If anybody wishes to go to a oculist, an optometrist, an optician, if they wish to go to the finest eye surgeon in the United States and get glasses that cost them \$500 and which do not come through the mail and which are put on with individual caresses and guarantees, they are perfectly free to. This legislation does not prohibit them from employing any kind of specialist they wish. It simply permits me to buy my glasses much more cheaply. One of the advantages in travel is watching how other people do things. In Japan, I noticed in the department stores that the people fit their own glasses to themselves and this has been done by 90 some million Japanese for some years and they don't have a history of eye trouble that is any worse than ours. I have glasses, and I have prescription glasses. I will put on a pair of glasses here that belong to my seatmate, they cost her \$55, she tells me. They are absolutely identical with this pair I wear, which I buy in LaVerdiere's for \$3.59. I have glasses in all my pockets, I have them in all my cars. She can only have one pair and she is sitting there now with baited breath afraid I will drop them and cost her \$55. I can afford to drop mine. This kind of bill that we have had before us, this law that we have had all this time is protectionism. It is exactly like the law says you can't put anything else in an empty whiskey bottle that the United States Congress passed years and years ago, so the glassmakers could make more bottles. This protects a small group of people, who have what essentially amounts to a monopoly. If you wish to go to those people, you may, but for goodness sakes, permit me to go to people who will advertise and who will produce in the greatest American Capitalist tradition of competition and advertising in the open marketplace and let me buy from it without big-brothering me and telling me that I can't. I urge you to support the bill and to vote against the motion for indefinite postponement.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: The former speaker prompted me to say a word or two on this. I am for the indefinite postponement of this bill for a very good reason and I think this man brought it out very plainly. He says that he paid three dollars and something for his. You can go to Grant's and Newberry's and

LaVerdiere's and buy that type of glasses right now. So, that being the case, the people that want to buy these type of glasses can already do it. He admitted that he did it. I think this proves a point and I am very definitely for indefinitely postponing this measure.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: In my previous presentation, I sort of dealt with the issue sort of academically, I presented all the reports, the FDA and the FDC and the University of Chicago. I think that now I have to deal with another aspect of this particular issue and that is the simple reality of it all.

Before the Special Session of the 106th Legislature, I clipped a copy of existing advertising from a newspaper in Portland and I sent it to the then, Attorney General, John Lund, and I inquired of the Attorney General, at that time, as to whether this was in violation of the optometrist prohibition on advertising. He responded to me by sending me a copy of a letter that he sent to the Secretary of the Optometric Board of Optometry and the letter indicated that, to the secretary that the advertising that was taking place by an optician in Portland, and there are some that do this, in violation of the law and directed by the Board of Optometry to take their cases to the local district attorney. There was some correspondence, some interaction, if you wish, between the local district attorney in Cumberland County and the Board of Optometry and the people engaging in this advertising and nothing ever happened about it. The reason that nothing ever happened, I am assured the reason that nothing ever happened, was that if this particular issue was taken through the courts, much in the same way the issue of advertising prescription medicine was to be taken through the courts, it would have been found not to be constitutionally sound. The opticians, the Optometry Board is refusing to push this case because the nature of this particular activity, as it is occurring around the country, is such that they are beginning to take these issues through the court, these prohibitions on advertising, be it for eyeglasses or prescription drugs and they are being turned over by the courts, as being an unnecessary restraint to trade. It is as simple as that. That is the nuts and bolts of the issue. This was going through the courts I think you would find that it would turn over. This statutory prohibition would be disallowed and I think that is where it is all at. If you saw the material that we distributed earlier this afternoon, in all states these prohibitions do not exist. The cost of eyeglasses to the consumer is substantially less. I think that is the nuts and bolts of the issue and I hope that you will go against the indefinite postponement of this particular bill and I hope that you will accept the Minority "Ought to Pass" Report, so that in these troubled times, inflationary times, of spiraling costs, it will help out the Maine consumer.

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

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: Just one more word. In passing a bill like this, you are going to open up the field so that you will have bills in the next session for doctors and lawyers to advertise their prices too. You are opening up a professional field,

which I don't think is a good field to open up.

I just got a note here, just recently, from George Call, and I think this is — I may not have too much chance on the bill, it is kind of partisan today, but I don't mind — I got a note from George Call, he said, one of the slogans of an optical establishment is "Guard your most precious jewels, your eyes."

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you this afternoon in opposition to the motion on the floor of indefinite postponement. I find it particularly interesting that those people who normally are strong advocates of a free competitive market economy would oppose a measure such as L. D. 1068. We advertise cars; and we advertise furniture and we advertise groceries. These are all commodities and we are concerned about quality. L. D. 1068 simply allows those who wish, to advertise their prices. It is simply a very narrow issue, should people be allowed to advertise and I would suggest to you that indeed they should.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for prolonging this debate but I could not remain in my seat without offering a brief technical note on this. Inasmuch, as I spent some six years in industry as a glass engineer, and I think I can add a new element to this for your consideration. We have heard a good deal about the quality of services that needs to be extended, the quality of glass that is used and I would point out to the members of the House that traditionally one of the major factors in the cost of optical glass has been the high cost in its manufacture. When I was a student in glass engineering in the early 1950, I visited the home manufacturing plant of Bausch and Lomb Optical Company in Rochester, New York. At that time, they were using a process similar to what had been used for 50 years for making optical glass which was to melt it in large pots which were broken and destroyed after one use. It was remelted and sunk in furnaces and it was a very costly labor intensive, energy intensive, process.

In the decade from 1955 to 1965, there was a great technological breakthrough, so that optical glass is now manufactured in a continuous extruded blank which can be chopped off and ground-down and polished. I would estimate that the cost of producing it is about one third of what it was by the old process, and for those of you who think that the glass manufacturers and presumably the retailers of their products are concerned with only giving their customers the highest quality product at the lowest possible cost, I would say there was no price reduction from American Optical, Bausch and Lomb, Corning Glass Company, the consumers never felt this, this went into the additional profits for the companies and for their stockholders.

I would hope that you would keep this in mind when you vote for this permissive legislation, I urge you to vote against indefinite postponement.

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

Mrs. MORIN: Mr. Speaker, Ladies and

Gentlemen of the House: Nowadays, most people who start having trouble with their eyesight go to an eye doctor to be fitted for glasses. In the examination given by the doctor many times, the fact comes out that the glasses will not help, there is a medical problem which can be taken care of. I do not think they should go to the drugstore for their glasses. They will not catch the trouble right away and perhaps it will be too late for them to do anything about it.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Minority "Ought to pass" Report, I feel as though I would like to respond to a couple of statements. The first is, the statement was made earlier that in passing this legislation, we would be opening up the field to the time when psychologists, psychiatrists, doctors, etc., would be able to advertise, and this is simply the first step in the door. I think the point that we have to make here is what we are talking about, the advertising of glasses or frames, is very different from doctors and psychiatrists and psychologists, because then we are talking about professional services. When we are talking about eye glasses, we are talking about a specific product and that is where the very important difference is as far as advertising is concerned goes. We advertise the product, we advertise the glasses, we advertise a product, we advertise the prices of prescription drugs so this, in fact, is not opening up the field and is not the first step in the door to let doctors advertise their prices.

The second point is what the gentlelady Mrs. Morin made, in terms of we shouldn't let people get their glasses from drugstores, Marts, and Grant's and that kind of store, well, this bill, itself, has absolutely nothing to do with that. Glasses can already be bought in drugstores; glasses can already be bought in shopping centers. This bill will not stop that; this bill will not promote that. This practice will go on as it always has. I think if we want to address that problem, then perhaps we should with another bill in the special session.

All we are saying is that when people want to make choices with their own prescription eye glasses on where they go to have them filled out, then they can do that. The glasses, in many cases, unless they want to go and buy one in a shopping center somewhere, somebody will still have to go to an ophthalmologist or optometrist to have the diagnosis made, the diagnosis is made, the prescription is filled out and then the person has another choice on where they want to go. They can go to have the optometrist fill their prescription, they can go to an optician and have him fill out that prescription, but what we are asking for is that when that point comes and they have their prescription in their hand, that they are able to get the information according to price to make an intelligent decision.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: As a singer of the Majority Report, the "Ought Not to Pass", I thought perhaps I would just briefly share with you my reasons.

My particular objection to the advertising is the area of the regulations and licensing of opticians. I believe in the

advertising concept. However, I am just not ready yet to permit this advertising until, perhaps, we start to license the opticians and perhaps have some regulations as to the minimum requirements or quality that we would expect these people to have who are filling the prescriptions.

As it stands right now, any member of this House, we could go out this afternoon, buy the equipment, set up the business, start advertising our eyeglasses and filling those prescriptions and I am just not ready to do that yet.

Mr. LaPointe of Portland was granted unanimous consent to speak a third time.

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to quickly rebut the gentleman from South Portland, Mr. Curran, in that I believe he was using what I would call the "Whipsaw Argument". The gentleman from Stonington, Mr. Greenlaw, was going to address himself to this particular issue, but he had to leave in order to catch a departing ferry boat for the Penobscot Islands.

The 106th Session of the Legislature, we had a bill in to license opticians, and when the bill was presented at public hearing, the opticians came in and opposed the bill and said it was a bad bill. I think that this approach, using this sort of argument, is comparing apples with oranges, in that they didn't support the licensing themselves, this particular group, and now they are using this argument to do away with this particular piece of legislation. I think that this is a "Whipsaw Argument." I think it is certainly playing one end off against the other and I don't think that is fair. I hope you will vote against the motion.

The SPEAKER: 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 will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Sanford, Mr. Lovell, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS: Albert, Ault, Bagley, Bennett, Berry, G.W.; Birt, Bowie, Burns, Call, Churchill, Connors, Cote, Curran, P.; Dam, Doak, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Hennessey, Higgins, Hinds, Hunter, Jalbert, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBrearty, Miskavage, Morin, Morton, Nadeau, Palmer, Perkins, S.; Peterson, P.; Pierce, Powell, Rideout, Rollins, Shute, Silverman, Smith, Sprowl, Susi, Tarr, Teague, Theriault, Torrey, Twitchell and Usher.

NAYS: Bachrach, Berry, P. P.; Berube, Boudreau, Bustin, Byers, Carey, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cox, Curtis, DeVane, Dow, Faucher, Flanagan, Goodwin, H.; Goodwin, K.; Henderson, Hewes, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kany, Kelleher, LaPointe, Leonard, Lewis, McKernan, McMahon,

Mulkern, Najarian, Norris, Pelosi, Perkins, T.; Peterson, T.; Post, Quinn, Raymond, Rolde, Saunders, Snow, Snowe, Spencer, Strout, Stubbs, Talbot, Tierney, Tozier, Truman, Wagner, Walker, Wilfong and Winship.

ABSENT: Blodgett, Carpenter, Curran, R.; Davies, Drigotas, Farley, Gauthier, Greenlaw, Hall, Hutchings, Immonen, Kauffman, Kelley, Littlefield, Lizotte, Lunt, Martin, A.; Mills, Mitchell, Peakes, Tyndale and Webber.

Yes, 66; No, 61; Absent, 23.

The SPEAKER: Sixty-six having voted in the affirmative and sixty-one in the negative, with twenty-two being absent, the motion does prevail.

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

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I would now move that we reconsider and hope that you would vote against me.

The SPEAKER: The gentleman from Sanford, Mr. Lovell, having voted on the prevailing side now moves that we reconsider our action whereby this bill was indefinitely postponed.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that we table this for one legislative day.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, moves that we table for one legislative day. The Chair will order a Division. If you are in favor, you will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: If we can spend two and a half hours insulting one another's beliefs on national policy and the recent congressional election, a bill this important, that has this many reform aspects to it, certainly deserves two or three more minutes in consideration. I am not going to launch into any long speeches on the thing, just to point out that the lens that go in an eye glass are as much of a commodity as the shoes you wear and they are far less apt to do harm to the muscles of the lens of the eye than our shoes we wear, and if you wish to protect your people who are eyeball doctors and you want to guarantee them a monopoly, then you go ahead and kill this bill. If you also have friends in the shoe business, I suggest you put a bill in and you provide that shoes may not be advertised and only people who are shoe doctors can prescribe the shoe you wear and you will begin to have a price that hurts people.

The issue, I am sure, before it came to this body today, had not occurred to about 90 percent of us, and I would think for even those of you who are in doubt, it would be in all fairness a chance to reconsider this bill and to keep it alive. I cannot see anybody who is in doubt on the issue being afraid of keeping this bill alive to go one more reading and educate yourself on this; don't just simply vote blindly on the basis of the oratory you have heard, pro and con. Give the bill a shake, vote to reconsider, you will

have plenty of chance to do it to death before the session is over.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have a great deal of respect for the gentleman from Gorham. He is an excellent debator and a fine speaker, but I am quite certain that the ill-fitting pair of shoes that someone might wear would not affect their eyes in any way.

I want you to know that I stand here saying that shoes are not anywhere near as important as eye glasses. Eye glasses can affect your health to a great extent and I certainly hope you will not support the motion to reconsider but kill this bill once and for all this afternoon.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this issue but this is my 12th term, I have been here for 12 terms, and I have reconsidered this issue now 12 times. This is an old chestnut that has been in this House time and time and time again, and I don't think we should reconsider.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: I hope that you will vote for reconsideration so that we can have an opportunity to, maybe, or I would have an opportunity, to share with you some of the information that I was able to pull together on this particular bill. I have in my hands here and I would have copies made, it is a rather lengthy report. It would be very interesting beside reading for some of us over the weekend on what the advertising does in the price of eye glasses.

I think this is a significantly important enough issue for the consumers of the State of Maine to be dealt with and be dealt with by this legislature and one of the reasons that it is continually brought back is because it is a restraint of trade, it is discriminatory, and I certainly have some very serious questions about whether this sort of prohibition can continually be called constitutional. I hope that you will vote for reconsideration so that we can have another shot at this particular bill.

There is a doctors report here, I will make enough copies for everybody to read. It is good reading; you might want to do something that is a diversion this weekend, but I think this you will find it very very helpful in helping you see the light on this particular issue.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the most knowledgeable members on the Health and Institutions Committee, could you just enlighten me to the point of what is the markup price on glasses? What is the percentage of the markup price on eye glasses?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to any member who may answer.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe the gentleman from Bangor was in here at the time, I believe you will find it to be

somewhere in the neighborhood of 400 percent.

Just to review, in the case of these two glasses, this one was \$55 and this was \$3.57 and they are exactly the same lens.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: First off, when you go in and get prescriptions from an optometrist, the first thing you do is pay \$15 for an examination, which is a legal fee which I don't think should be considered in the cost of the glasses. Yet some services, the services applied are \$15. Then you turn around and you buy frames, you pick out your frames and you pay for it. Then you pick out a lens which years ago used to cost 20 cents apiece, those had to be reground which took some time, two or three hours, all depending upon the kind of glasses you wanted. I will tell you one thing my feet, speaking of shoes, is just like a pawn shop, I can wear anything but I can't wear any kind of glasses.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with the remarks of the previous speaker, the gentlemen from Bridgewater, Mr. Finemore, and also the gentleman from Farmington, Mr. Morton, who when they speak of shoes. Take it from one who knows, I have a pair of shoes on that goes about \$40 and there is a difference in shoes. I have been treating with a Podiatrist and he tells me that if you have bad feet, you can have terrible back pains that can result in your prematurely not being able to walk and I have been treated for some time and I just disagree. I think the comparison of the gentleman from Gorham is an extremely valid one and I hope you go along with this bill today.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: My feet are all right. I would like, before you vote on this issue, to make just one observation. Yesterday, we had 60 kids from an elementary school in Standish here, some were honorary pages and some of them in the gallery. The brother of one of those students lives across and down the road from me and that child, 11 years old, has been wearing a broken pair of glasses since last fall because his parents, who work, the father works at a full-time job, can't afford to buy glasses for that child, and I think that this bill is one that ought to receive the favorable support of this legislature.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I regret that I rise today, I am sure I will in the future because one of these days I am going to get clobbered for getting up too often.

I happen to know of a man who has six children. I think five of the children wear glasses, and when he informed me what he is paying for those glasses, it was in the vicinity of \$40 a pair, I said, you mean to tell me that when you go in with five children, you don't get a discount and he said, no siree.

Now, they have got a monopoly and they are using it. I don't have a personal grudge

against them, because last year I went blind in my left eye due to an automobile accident and I had to go to a real good specialist, I couldn't go to a fly-by-night guy, but I am convinced, just as I stand here now, that that man with that family is entitled to a discount when he buys four to five pair of glasses, but it wasn't coming his way. They pay for their glasses. I said, why don't you go up and see the town and see if they can help you. A man with six or seven children ought to have a little help. He said, I pay my bills and he says, if we have to take a little food off the table so that guy can ride around in a Cadillac, we will take a little food off the table so he can ride in a Cadillac.

Ladies and gentlemen, I assure you, that I would like to have a little more time to think about this bill. I would like it tabled until Monday or Tuesday so I can do a little more study on this. I would like to clear up my conscience a little on it.

The SPEAKER: The pending motion before the House is on the motion of the gentleman from Sanford, Mr. Lovell, that we reconsider our action whereby this bill was indefinitely postponed. The Chair will order a vote. If you are in favor, you will vote yes; those opposed will vote no.

A vote of the House was taken.  
62 having voted in the affirmative and 61 in the negative, the motion did prevail.

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

Mr. NORRIS: Mr. Speaker, I move that this matter be tabled for two legislative days.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that we table this for two legislative days. The Chair will order a division. If you are in favor of tabling for two days, you will vote yes; those opposed will vote no.

A vote of the House was taken.  
70 having voted in the affirmative and 53 in the negative the motion did prevail.

#### Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-362) on Bill "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park" (Emergency) (H. P. 978) (L. D. 1225)

Report was signed by the following members:

Messrs. GREELEY of Waldo  
McNALLY of Hancock  
CYR of Aroostook  
— of the Senate.

Messrs. WEBBER of Belfast  
ALBERT of Limestone  
JENSEN of Portland  
LUNT of Presque Isle  
STROUT of Corinth  
KAUFFMAN of Kittery  
JACQUES of Lewiston  
WINSHIP of Milo  
FRASER of Mexico  
— of the House.

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

Report was signed by the following member:

Mrs. BERRY of Madison  
— of the House

Reports were read.

On motion of Mr. Fraser of Mexico, the

Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-362) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" on Bill "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air" (H. P. 1191) (L. D. 1487)

Report was signed by the following members:

Messrs. O'LEARY of Oxford  
WYMAN of Washington  
-of the Senate.  
Messrs. McBREAIRTY of Perham  
CURRAN of Bangor  
BLODGETT of Waldoboro  
HALL of Sangerville  
CHURCHILL of Orland  
Mrs. HUTCHINGS of Lincolnville  
-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. TROTZKY of Penobscot  
-of the Senate.  
Messrs. PETERSON of Windham  
DOAK of Rangeley  
AULT of Wayne  
WILFONG of Stow  
-of the House.

Reports were read.

On motion of Mr. Peterson of Caribou, tabled pending acceptance of either Report and specially assigned for Tuesday, May 20.

**Divided Report**

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act Defining School Bus Transportation" (H. P. 332) (L. D. 404)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot  
Messrs. GREELEY of Waldo  
CYR of Aroostook  
-of the Senate.  
Messrs. SPENCER of Standish  
NADEAU of Sanford  
BERRY of Buxton  
LITTLEFIELD of Herman  
Mrs. TARR of Bridgton,  
Mrs. SAUNDERS of Bethel  
-of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-368) on same Bill.

Report was signed by the following members:

Messrs. GRAY of Rockland  
LEONARD of Woolwich  
KELLEHER of Bangor  
-of the House.

Reports were read.

Mrs. Durgin of Kittery moved the House accept the Majority "Ought not to pass" Report.

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

Mr. HENNESSEY: Mr. Speaker, Ladies and Gentlemen of the House: I think we have an amendment here that would change that bill from the 50 mile limit to a hundred mile limit in any direction. I believe that the hundred mile limit gives

the school boards or the municipalities quite a bit of leeway in transporting children to and from school.

School operated buses, and that has been their argument all along, that they do it much cheaper and less expensive, but I think when you bring in the tax situation in which these municipalities are not paying a just tax and getting free plates and rebates, that the private enterprise people, who are trying to run a bus service, more or less get on the end of the spectrum.

In going over what was paid by the private operators on another bill in regards to the sales tax, if the school or the municipalities were paying a just tax on buses alone, the estimate from the tax division was \$89,000 a year. On that same item, the loss of revenue, if the private concerns were allowed this reduction, would amount to about \$60,000 a year. So, there is quite a difference there on what we would be taking in if these buses were operated by municipalities.

The municipalities, according to the Education Department, now own, that is for 1973-74, had 225 new buses, whereas the private sector had only 50.

The total cost of those municipally-owned buses out of 1994 was \$2,686,000 that we have just given away for buses. Going further, and getting the rundown on what is ahead of us, a request for municipal buses, they are now requesting 146 buses for next year with the replacement in a fleet of 229 and the total buses requested are 326, with an estimated cost of over \$4 million. This doesn't stop there, it still keeps moving into 1976-77-78-79 and 80, and we have got an additional over \$3 million. I think it is about time that we kind of put the brakes on to this so-called inexpensive transportation for our school children.

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker and Members of the House: The 100 mile designation makes little sense. I fail to see how a trip of 100 miles is any different than a trip of greater mileage. Most private school bus contractors will have to give up the business of making trips greater than 100 miles because of drastic increase in expenses to apply for and run under PUC plates.

Insurance for private bus contractors will increase many times over just to obtain minimum coverage; commercial registration is more expensive. Most schools do have athletic trips and field trips that exceed 100 miles. If the schools have to hire chartered buses, many trips will have to be eliminated due to the extra cost. This will deprive students of extra school activities, and the towns cannot afford the extra costs that would be involved if chartered buses have to be hired. Now, someone's going to have to pick up the tab on this if the town has to pay for PUC plates and it is going to be Mr. and Mrs. Taxpayer and I cannot see how a private school bus company will transport groups other than students, because their insurance does not cover it.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from West Bath, Mr. Hennessey. Under Section 2 of the law of the proposed bill, with the amendment, it would say "school activities transportation shall not exceed 100 miles by highway in one direction."

The way I interpret this is that you can't go anywhere if it's over 100 miles.

The SPEAKER: The gentleman from Sanford has posed a question to the gentleman from West Bath, Mr. Hennessey who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HENNESSEY: Mr. Speaker, Yes, that 100 miles is 100 miles in one direction but when you come back, that's 200 miles so you have quite a leeway.

Also in regards to this and further, for the gentlelady from Kittery, right now the town is not paying for your plates, your insurance is all coming out of the tax dollar and all I am trying to do is make people aware that they are supporting these school buses and under the false impression that it is cheaper.

To get a PUC plate under the same rules that they're operating now for registrations, etc., the PUC plate would be free. All we are asking is that you register with the PUC and that way, you will find there are bus companies around that could be doing the work and paying taxes. Right now, we're not collecting anything; it is all outgo, and you don't know what you're paying for actual school transportation, there are still a hidden costs there.

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

Mr. GRAY: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the minority report, the reason why I signed it was that complaints come to the committee from bus owners around the state, that school buses were lent out and in some cases rented to groups for trips. I oppose the use of public resources competing with public enterprise, it is not fair to expect the small businessman in this case the bus owners of Maine, to pay taxes and then use his tax dollars to create an unfair competitive advantage.

We wonder why taxes go up and I submit to you that one of the reasons is that there may be less businesses to share the burden and unless we discourage government from competing with private enterprise we shall continue to see the demise of not only the bus transportation in Maine but other businesses as well.

I believe this bill is reasonable with its amendment. The bill simply provides that if schools want to go into the business of lending or renting their buses out, they should come under the PUC the same as any other bus.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose two questions, I guess, not aware of what the provisions in the law at the present time are, if there is any limitation. The other question would be what do you do in a case if you are in an area where you don't have the facilities of a private carrier that might be 100 miles away?

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

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I think the lady from Kittery pointed out some very good aspects of this bill. We people who live in rural areas, such as Aroostook County, this bill would be very detrimental to us because in our town of Easton, likewise in some of the other towns like Mars Hill and Westfield, and Presque Isle, their children



have to take part in various activities that one way the travel is more than 100 miles. We certainly would hate to have to go to the expense of transferring those children by private buses or what not. I think this is a very poor bill and I hope you can't support it.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me when we just figure a little geography, these people are coming from Aroostook as was said, the people that come here to play for us Monday mornings, many of them come more than 100 miles one way. They have to come by cheapest way they can or they just don't come. It isn't too much a matter of competing with private industry, it is a matter of whether they do it or not. If they had to pay the extra cost, they simply would be compelled to stay home and they would miss all the things that they do and we would miss having them here.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I also signed the Minority Report, but probably for different reasons. My reason was to make sure it did get on to the Floor of the House, so it would be debated and if nothing else, a very, very significant problem pointed out to this body that one of the major issues, that we have been confronted with, statewide, since the energy crisis, has been the public transportation. Before that committee, it was pointed out by the private busing companies that they were much larger ten years ago or years before that and because of this spending or the unlimited spending, so to speak, on the school busing programs and the large increase in municipally-owned busing systems that they literally have gone out of business or very close to it.

The problem is that maybe while this bill doesn't totally, in my opinion deal with the real crisis, the problem is that the school busing program that we are now supporting with tax dollars is pretty much putting out of business the public transportation system that exists, which is regulated by PUC. I would like to point out that the school busing program is not. So, you have transportation systems like in my area that are limited as to where they can pick up from and where they can take people, yet the schools, within just a few miles of them, and their tax dollars went to pay for the buses in those schools can go anywhere.

I probably won't vote for this bill but I do think it is a problem, I think it is one that this House should be made aware of and I think it is one that we should consider in the future, especially when we keep letting the school busing program run totally unleashed.

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

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: If I am in order, I would make a motion that this bill and all accompanying papers be indefinitely postponed.

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

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I have three

school administrative districts in my area, with several schools within each district and everyone of these districts is over 100 miles from here. Just the other day we had a group up from one of those schools that went through, had the regular tour that they put on here and went through the Blaine House, and they were up and watched the process, governmental process here in the House, and these are school activities and they should be continued. Private activities, if they go to rent these out, I go along with this, that they shouldn't be able to do this, but all school activities, what we are doing, we are restricting the rural areas from knowing how our government works and other activities that we could use.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: You may remember, not too long ago that this body honored a state champion girl's basketball team from East Grand High School of Danforth. I would remind you that the distance from Augusta to Danforth, or the other way around, if you want to look at it that way, is 185 miles. I will also call to your attention that school buses owned by SAD's or towns or whatever are used only for transporting children. They are not competing with commercial fleets. They transport the children to and from school and they transport them on organized activities with chaperones.

I think that the people of Maine like this system. I would also point out to you that since the schools are largely subsidized by the State of Maine, if you put a licensing tax or anything of that sort on these buses, you are merely having the state tax the state. I urge you to support the motion of the gentlewoman of Kittery.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to correct one statement of the previous speaker, that these buses were used only to transport children to and from school. This is not entirely right.

I mentioned this back in a Democratic caucus a little while ago when we were discussing L.D. 1452, and I think if anybody wants to go back over the record, back in the 104th and 105th sessions, finally they gave it up in the 106th, but this is not the case in the State of Maine. The case in the State of Maine with the school districts, especially SAD's, they are competing with private carriers. They are hauling anybody and everybody, and they are charging it off to school costs.

I have no objection, personally, if the people wanted to vote to allow this to be done and pay for it themselves out of their own pocket, then it should be done, but I don't think it is right to do this and charge it to the cost of education in the State of Maine.

The other thing that is being done. Some of these trips — back in the 105th, and I have correspondence on this and I am sure that they still have it on file in the PUC, where I was told that a school district couldn't charge any fees at all for transporting students to school-related activities, but there are charges being made in the State of Maine today.

It also raises in mind a serious question, because I have reviewed several school district budgets and I find no receipts for this money coming back in the budget. A

hundred percent of the transportation is charged to the SAD.

It so happens in my town of Skowhegan, we have an SAD. We are a member town of six members. It so happens in Somerset County I serve as chapter chairman for the American Red Cross. I operate a six-week swimming program during the summer, and I require two buses. We do not use the school system buses, although we could, and just pay for the gas and the oil and the driver, but we choose to use public carrier. It is more expensive, but at least we are not hanky-panking. The other towns in the district aren't out of any money by making them pay an extra burden, we are not hanky-panking the state by jacking up the costs of transportation to the SAD. I think there is more to this bill than just the 100 mile limitation. Maybe it is time that we really spell out what school transportation is.

At one time, and I see my good friend Mr. Lynch over here has got the little red book out and he is looking and I am sure he is going to find out to tell you how they define transportation. Well, as far as the definition of transportation in the little red book and what the PUC says, there has always been a conflict between the Department of Education and the Department of Public Utilities, they have never been able to arrive at any decision, and finally one department has let the other go its own happy, merry way, and I have correspondence supporting that also from the PUC. I think maybe the time has come that if we want to really be honest with the school transportation system, that maybe we shouldn't indefinitely postpone this bill. We should keep it alive and maybe spell out once and for all just exactly how much is school transportation and if we are going to allow these school districts to compete with private industry, just how much they are going to show back as receipts at the end of the year. Personally, I don't care if the money comes back in the budget to show a reduction in the appropriation because it wouldn't amount to that much, if we have to pay somebody on the side and they want to pocket it, that is all right with me, because that is what is happening now.

But I do think that we ought to keep the bill alive and do a little work on it so we can really spell out so we know what the true cost of transportation is in this state.

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

Mrs. TARR: Mr. Speaker and Members of the House: I rise to support the indefinite postponement of this bill. In Bridgton and our whole northern Cumberland area, we don't have any public transportation. Our school buses are not used for anything but transporting the children to school, and they can bring them to Augusta and so forth, but I do and I can see, and this is why this came out with a divided report, that there is a problem here. I don't think this bill is the vehicle to take care of that problem. I think in our Public Utilities Committee we will have an order come out to study this problem. This is certainly not the vehicle to go with it. But I would like to introduce an order and we will do it next week, to study this problem and get it settled once and for all, but I do wish you would support the indefinite postponement.

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

Mr. MAHANY: Mr. Speaker, Ladies and

gentlemen of the House: I have no desire to prolong the debate, but I would just like to state, in my opinion, many areas are using the school buses for other carriers. As far as I know, in my area and the Fort Fairfield district, the Easton district, and I believe Presque Isle and Mars Hill, school buses are used simply and only to haul the school children to school and to school functions.

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

Mrs. MORIN: Mr. Speaker, could this bill be used to put an amendment on to prohibit the school buses being used for anything but transportation of students?

Mr. Gray of Rockland was granted permission to speak a third time.

Mr. GRAY: Mr. Speaker, I believe this is the second time.

The SPEAKER: The gentleman may proceed.

Mr. GRAY: Mr. Speaker, I move this matter be tabled for two legislative days.

The SPEAKER: The Chair will order a vote. All in favor of this matter being tabled for two legislative days will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Easton, Mr. Mahany, that this Bill be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 13 having voted in the negative, the motion did prevail.

Sent up for concurrence.

**Consent Calendar**

**First Day**

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

(H. P. 462) (L. D. 578) Bill "An Act to Provide for Regulation of Insurance Holding Company Systems" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-367)

No objection having been noted, was ordered to appear on the Consent Calendar of May 19 under listing of Second Day.

(H. P. 1197) (L. D. 1493) Bill "An Act Concerning Home Repair Salesman License Issued by the Department of Business Regulation" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-366)

On the request of Mr. Dudley of Enfield, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once — Committee Amendment "A" (H-366) was read by the Clerk.

Mr. Dudley of Enfield moved the indefinite postponement of Committee Amendment "A".

On motion of Mr. Higgins of Scarborough, tabled pending the motion of Mr. Dudley of Enfield to indefinitely postponed Committee Amendment "A" and specially assigned for Tuesday, May 20.

(H. P. 931) (L. D. 1175) Bill "An Act to Create a Full-time Board of Environmental Protection" — Committee

on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-365)

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

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-365) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1041) (L. D. 1331) Bill "An Act to Change the Participation of Employees in the Classified Service in Political Campaigns" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-364)

(H. P. 1564) (L. D. 1872) Bill "An Act to Authorize the Town of St. George to Hold a Special Town Meeting in May, 1975, to Vote on Certain Local Option Questions Concerning the Sale of Liquor" — (Emergency) Committee on Liquor Control reporting "Ought to Pass" as amended by Committee Amendment "A" (H-361)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of May 19 under listing of Second Day.

(H. P. 1289) (L. D. 1582) Bill "An Act to Promote the Orientation of State Employees in the Functions and Purposes of State Government" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-370)

On the request of Mr. Hewes of Cape Elizabeth, was removed from the Consent Calendar.

Thereupon, The Report was read and accepted and the Bill read once. Committee Amendment "A" (H-370) was read by the Clerk.

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

Mr. HEWES: Mr. Speaker, I have here and amendment to the Committee Amendment which has not yet been circulated. I would appreciate it if someone would table this at least until later in today's session or until next week so that I can have it circulated.

On motion of Mr. Palmer of Nobleboro, tabled pending the adoption of Committee Amendment "A" and later today assigned.

(S. P. 61) (L. D. 178) Bill "An Act to Redefine the Term 'Payable in Installments' under the Maine Consumer Credit Code" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-148)

(S. P. 440) (L. D. 1456) Bill "An Act to Reassign the Functions of the Department of Commerce and Industry and the Office of Energy Resources" — (Emergency) Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-133)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 19 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:

(H. P. 1254) (L. D. 1550) Bill "An Act to

Permit Interstate Public Utility Hearings"

(H. P. 954) (L. D. 1193) RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Lot in Trescott, Washington County, to Clarify Title.

(H. P. 1410) (L. D. 1791) 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" (C. "A" H-231)

(H. P. 187) (L. D. 224) Bill "An Act to Clarify the Laws Relating to Human Rights" (C. "A" H-350)

(H. P. 1269) (L. D. 1583) Bill "An Act Relating to the Period for Commencing Civil Actions under the Human Rights Act" (C. "A" H-352)

(H. P. 549) (L. D. 677) Resolve, Authorizing Peggy Lanpher of South China or her Legal Representatives to Bring Civil Action Against the State of Maine (C. "A" H-353)

(H. P. 1235) (L. D. 1795) Bill "An Act to Amend the Charter of the Searsport Water District" (C. "A" H-355)

(S. P. 171) (L. D. 577) Bill "An Act Relating to Venue in the Superior Court" (S. "A" S-141)

No objections having been noted, were passed to be engrossed and sent to the Senate.

(S. P. 350) (L. D. 1263) Bill "An Act to Implement the Recommendations of the Trial Court Revision Commission" (C. "A" S-142)

On the request of Mr. Hewes of Cape Elizabeth, was removed from the Consent Calendar.

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

Mr. HEWES: Mr. Speaker and Members of the House: I am not going to move anything on this bill at the present time, but I want to call to your attention that the intent is to fund the trial court revision, which is tied into nine and eleven, through increasing District Court fines by 20 percent and increasing Superior Court fines by 20 percent. They hope to produce \$600,000 through District Court increased fines and \$250,000 through increased Superior Court fines. They have to fund a total of \$1,751,000, and I am wondering if this is the right way to try to fund this.

I don't object to the acceptance of the committee report and first reader at this time.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-142) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(S. P. 136) (L. D. 440) 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" (C. "A" S-143)

No objection having been noted, was passed to be engrossed and sent to the Senate.

(S. P. 163) (L. D. 575) Bill "An Act to Provide for State Financing of the Expenses of the Superior and Supreme Judicial Courts" (C. "A" S-140)

On the request of Mr. Silverman of Calais, was removed from the Consent Calendar.

On motion of the same gentleman,

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

**Second Reader  
Tabled and Assigned**

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)

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

(On motion of Mr. Faucher of Solon, tabled pending passage to be engrossed and specially assigned for Tuesday, May 20.)

**Passed to Be Engrossed**

Bill "An Act to Provide Employment Security for State Legislators" (H. P. 1224) (L. D. 1535)

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

Bill "An Act 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)

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

Mr. Higgins of Scarborough offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-359) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Very quickly, all this does is just try to make this bill conform to a bill that was already enacted, L. D. 318, which was heard by the Business Legislation Committee some months ago dealing only with journeymen plumbers and establishing classification of trainee plumbers. This bill, as it is written now, L. D. 1121, is in conflict with the bill that has already been enacted.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker, could I have somebody table this for two legislative days. Legislative Research is doing some work on this, and before we accept the amendment, I would like to have it tabled.

Thereupon, on motion of Mr. Laffin of Westbrook, tabled pending the adoption of House Amendment "A" and specially assigned for Tuesday, May 20.

Bill "An Act Relating to the Income Limitation of the Elderly Householders Tax and Rent Refund Act" (H. P. 418) (L. D. 504)

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

**Second Reader  
Indefinitely Postponed**

Bill "An Act Further Defining the Definition of 'North American Indians

Residing in Maine' (H. P. 1375) (L. D. 1688)

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

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

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

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

The Chair recognizes the gentleman from Passamaquoddy, Mr. Nicholas.

Mr. NICHOLAS: Mr. Speaker and Members of the House: I would like to take the opportunity at this time to thank the gentleman from Solon that the bill has come this far. But in consulting with the Tribal Governors in the past two days, all Tribal Governor of all reservations, they thought that to have this bill taken out, because of some of the language in the bill, at further meetings they are going to have to discuss it.

I have talked with them yesterday, and they wish to withdraw this bill at this time. Although I was not too familiar with the bill in the beginning, I hope when I get back I will be more enlightened by it. I think the definition of one-fourth Indian was the fact that every time I get back I am one fifth short, I guess. I had some other notes, but this is the desire of the tribes. Thank you.

Thereupon, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

**Second Reader  
Assigned**

Bill "An Act Converting Allagash Plantation into the Town of Allagash" (H. P. 1276) (L. D. 1647)

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

Mr. Dam of Skowhegan offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-382) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

**Amended Bill  
Tabled and Assigned**

Bill "An Act Relating to the Dredging, Filling or Otherwise Altering Coastal Wetlands" (H. P. 590) (L. D. 730) (C. "A" H-354)

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

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

Mr. MORTON: Mr. Speaker, I would ask the members of the House to look at the committee amendment over the weekend, if you need anything else to read, and I would hope that somebody would table this for two days at this time.

Thereupon, on motion of Mr. Higgins of Scarborough, tabled pending passage to be engrossed and specially assigned for Tuesday, May 20.

Bill "An Act Relating to Executive Sessions of Public Bodies or Agencies" (H. P. 722) (L. D. 899) (C. "A" H-286)

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

Mr. Snow of Falmouth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-332) was read by the Clerk.

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

Mr. McMAHON: Mr. Speaker, I would like to move the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves the indefinite postponement of House Amendment "A".

The gentleman may proceed.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will take a few moments to look at L. D. 899. It is a bill and at the moment the only bill that deals with executive sessions of public bodies and under the popular heading of Right to Know Law. Presently Title 1, Section 404, allows executive sessions of public bodies but only provides such sessions shall not be used to defeat the purposes of the chapter. L. D. 899 rewrites Section 404 and adds to the present wording the requirement, that a motion to go into executive session must state the nature of the business to be discussed in that session to the exclusion of any other subject. The bill further limits to seven subject areas to those items that may be discussed in executive session. Now, the companion bill, which was tabled in the other Body awaiting this one's arrival is L. D. 1035 and that bill further states that the adoption of any ordinance, orders or rules in executive session is illegal and it provides an appeal remedy to the Superior Court.

The point of difference between the good gentleman from Falmouth and myself, and it is one that he and I have discussed over the last several months, is that it is my belief in order to have an effective "Right to Know Law," we must clearly define those items that can be discussed in private. I feel this for two reasons. First of all, members sitting on boards, be they selectmen or quasi judicial boards of any kind need to have the present law defined more clearly so that they may know what they may go into session for and what they may not go into session for. There is a recent Superior Court decision on this subject regarding the town of Kittery.

Accordingly in the bill, I spelled out seven subject areas that I felt and others felt were appropriate for consideration in executive session. We wrote the bill so that it limited executive sessions to those seven areas.

What the gentleman from Falmouth attempts to do with this amendment, basically, is to gut the bill by taking out the last three words on page one, which says "and no others." If you adopt this amendment, in effect, you will be returning this bill to the status of the present law but you will be listing seven reasons among any that boards can go into executive sessions. I would submit that if the amendment is adopted and it becomes part of the bill, the bill itself, then, will become meaningless. I urge you to indefinitely postponed, and specially amendment.

On motion of Mr. Snow of Falmouth tabled pending the motion of the gentleman from Kennebunk, Mr. McMahon, that House Amendment "A" be indefinitely postponed, and specially assigned for Monday, May 19.

Bill "An Act to Specify which Activities on Lands Adjacent to Great Ponds, Rivers,

Streams and Brooks Need Permits" (S. P. 514) (L. D. 1876) (S. "A" S-147)

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

#### Passed to Be Enacted

An Act Relating to Definition of Automobile Graveyard (S. P. 401) (L. D. 1287)

An Act to Expand Transportation Services of the Bureau of Maine's Elderly and to Provide Transportation of Blind, Disabled and Handicapped Persons" (S. P. 466) (L. D. 1519)

An Act to Provide for Prompt Determinations under all of the Statutes Administered by the Department of Environmental Protection. (S. P. 515) (L. D. 1877)

An Act Appropriating Funds for the Osteopathic Student Loan Fund (H. P. 1037) (L. D. 1323)

An Act Relating to Programs for Retarded Individuals in Boarding and Nursing Homes (H. P. 1052) (L. D. 1326)

An Act to Authorize the Self-liquidating Bond Issue in the Amount of \$900,000 for Renovations of Housing Facilities at the University of Maine (H. P. 1061) (L. D. 1341)

An Act to Redirect the Use of Plumbing Permit Fees (H. P. 1092) (L. D. 1371)

An Act to Redefine the Political Activity Rights of Classified Employees of the State (H. P. 1093) (L. D. 1434)

An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs (H. P. 1491) (L. D. 1739)

#### Finally Passed

RESOLVE, to Reimburse Michael Forrester of Arundel for Loss of Livestock Destroyed by Dogs (H. P. 1508) (L. D. 1839)

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

#### Orders of the Day

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

SENATE REPORT — "Ought to Pass" — Committee on Business Legislation on Bill "An Act Relating to Deferral Charges under the Maine Consumer Credit Code." (S. P. 198) (L. D. 684) In Senate, Passed to be Engrossed.

Tabled — May 14, by Mrs. Clark of Freeport.

Pending — Acceptance of Committee Report.

Thereupon, the report was accepted, the bill read once, and assigned for second reading the next legislative day.

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

Bill "An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands" (H. P. 965) (L. D. 1209) (C. "A" H-326)

Tabled — May 14, by Mrs. Post of Owls Head.

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

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-340) Committee on Appropriations and Financial Affairs on 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) (H. P. 1357) (L. D. 1659)

Tabled — May 15, by Mr. Higgins of Scarborough.

Pending — Acceptance of Committee Report.

Thereupon the Report was accepted, the bill read once. Committee Amendment "A" (H-340) was read by the Clerk and adopted, and the bill assigned for second reading the next legislative day.

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

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 15, by Mr. Cooney of Sabattus.

Pending — Passage to be Engrossed. On motion of Mr. Jensen of Portland, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentlemen offered House Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-374) was read by the Clerk and adopted.

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

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

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

Bill "An Act Relating to Playing Card Games for Prizes" (H. P. 573) (L. D. 708) — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A".

Tabled — May 15, by Mrs. Berry of Madison.

Pending — Adoption of House Amendment "A" (H-358) to Committee Amendment "A" (H-260)

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

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

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

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

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 15, by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Davies of Orono to accept Majority "Ought Not to Pass" Report.

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

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: I hope we reject the Majority "Ought not to Pass" and accept the "Ought to Pass" Report so that I may add an amendment to this in second reader.

On motion of Mr. Conners of Franklin retabled pending the motion of Mr. Davies of Orono to accept the Majority "Ought not to Pass" Report and specially assigned for Tuesday, May 20.

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

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 15, by Mr. Rolde of York.

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

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

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: As the co-sponsor of this bill, I rise to oppose the motion to accept the Majority "Ought not to Pass" Report. However, I realize this is a local issue and I am rather reluctant to get up and speak on it today and I hope you will bear with me for a few moments.

The Minority Report in new draft is an attempt to meet the objections that some of the members of the Lewiston-Auburn Delegation had with the original bill particularly in the area of fiscal control over the authorities budgetary process, thus, a provision was included in the redraft that states that both city councils would have to approve the budget drawn up by the authority. Also, a referendum clause was attached to the bill to allay the fear of those who felt that by creating an authority, we would be removing the decision making from the people.

I know concern has been expressed over creating an authority of autonomous nature. However, the scope of the power which this particular authority would have is limited. I might add, an authority is only as powerful as the powers you delegate to it.

As I see it, we can either leave the airport in its present state of flux or recognize it and utilize it as an asset to the overall economic picture in our communities. Viable transportation facilities is essential and vital to any cities economic growth. We are not talking about spending additional dollars but what we are talking about is using the money we are currently spending in a more cohesive manner.

The 1974 budget showed a \$10,500 deficit, so both cities had to raise their appropriations for the airport from \$15,000 to \$20,000 apiece. The 1975 budget projects a deficit of \$1,260.

Just as recent as last summer, \$400,000 worth of federal grants were utilized to improve the airport to both cities

advantage. It seems to me with this amount of investment in the airport facilities, we certainly should think about making it a revenue generating enterprise rather than operating in the red.

Crucial to the success of any business, any organization or any group is continuity, sense of purpose and direction. The airport, as it presently exists, lacks all three. The only way to achieve these important ingredients for the airport is by establishing one particular governing body who would be directly responsible for supervising, managing, and administering the airports business. This bill is not intending to enlarge or expand their present facilities or to compete with other major airports. I think we are realistic enough to realize that because of our close proximity to the Portland Jetport, that we could never be or come close to being a major passenger terminal, but that doesn't mean we can't be more attractive in the area of general aviation particularly when the FHA is opting for passenger terminals to move away from air freight transportation. In addition, there are privately owned aircraft utilizing our airport but they aren't paying any landing fees. Most airports do assess landing fees.

Also a new instrument landing system is being installed at the airport through a federal grant. When it is completed, Air New England will be able to complete 97 percent of its night flights from Boston to the Lewiston-Auburn area because the ceiling area for land will be reduced from 800 to 400 feet. Certainly many people in our area would take advantage of this convenience of being able to fly out of the Lewiston-Auburn area knowing that they can complete a round-trip in a day.

In addition, the Federal Government has recognized that the airport is a certified airport and, therefore, must comply with certain rules and regulations, such as having a firefighting apparatus located within three minutes of the airport. We also have to have either a metal detector or a policeman at the gate to inspect passengers boarding the airplane.

Again I will emphasize, we aren't looking towards major expansion by creating this authority. That approach would be most impractical and unfeasible, but what we do see is the airport is suffering from a lack of direction because the decision making on a day-to-day operation is so disjointed and fragmented, therefore, I urge you to oppose the motion before us to reject the Majority "Ought not to Pass" Report and then accept the Minority "Ought to Pass" report.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't like to oppose the gentleman from Auburn, Mrs. Snowe, but I am on opposite sides from her on this particular issue. I am very much opposed to creating an airport authority in the Lewiston-Auburn area. I am opposed mainly because I feel very strongly against creating another branch of government. In fact, I feel in these times of moratoriums, this would be a good time to call a moratorium on creating any other branch of government.

The airport, which you have heard about, is located in Auburn, just 30 miles from the Portland Jetport and it is a good airport and serves well the people who use it. It definitely is needed in our community. There are commercial flights

there, but mostly it furnishes facilities for private corporation planes and some freight. It is a real asset for industrial development in the Auburn-Lewiston area especially since it provides landing space for these company planes.

I suppose it is possible at some time the airport might become so busy that it is more than the present Lewiston-Auburn committee can handle. It seems to me that that might be the time to enlarge its governing board. Presently it is overseen by Auburn City Manager and Lewiston's Controller. Both of these men have several assistants. It is a job requirement of theirs to oversee this airport. It seems to me they should be able to continue their jobs inasmuch as they do have help, without passing this over to an authority.

Under the present system, what funds the airport needs and what personnel are necessary have to appear in the budget of each city and authority is removed from the people and not directly responsive to them. An authority would extend the borrowing legal limits. Right now Auburn Sewerage District has a bill in here to change Auburn's Charter in order to tax property holders. Many of the citizens are up in arms about this and want to dissolve the district. The authorities budget is not subject to approval, it assesses the communities who have no real control of its expenditures. It can hire personnel without approval.

I realize it is a local issue, but it is an example of taking power from the people and, therefore, I do oppose the authority.

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

A vote of the House was taken.

Mr. Jacques of Lewiston 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 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 Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to get up and speak on this bill but it has been tabled so many times that this bill is getting worn out.

As the former Lewiston Mayor, I used to appoint most of these members that used to be on this committee. I don't at the present time, because I am not Mayor anymore. This airport authority was created a few years back because the Navy returned the airport to Lewiston-Auburn and Lewiston-Auburn got together and appointed a committee to run the airport. The airport, at the present time, is operated by the City Controller and also the City Manager of Auburn, and plus the City Treasurer and the Lewiston Treasurer and the Auburn Treasurer and the City Engineer of Auburn and the City Engineer of Lewiston. These comprise the Board. Under this new bill, the City Manager and the City Controller of Lewiston would be on this committee also, which would make it almost exactly what it is today except that the city of Lewiston

and the city of Auburn would not have control of this airport at all after the authority is created.

Now what I object to, is that the people of Lewiston and the people of Auburn wouldn't have control, and these members would be appointed for five years and the City Controller also be a voting member of the Board, which I object to also. It is just like having committee clerk having the right to vote on our committee.

I am not in favor of this airport authority. There were seven members who used to lease the airport from the Lewiston-Auburn airport and, as a matter of fact, we had to leave there because there was too much pressure applied, they wanted to create another airport group to operate the airport up there also at that time.

Now, the city council at present time appropriates money to run the airport. Under the bill that they presented to the committee, I also sit on the Committee of Transportation, under the bill that they presented to the committee, the city council wouldn't have had anything to do at all whatsoever with the airport authority. All they had to do is just appropriate the money, they would be obligated to. Under this new bill here, it is a brand new bill, the committee came out with a brand new redraft which I objected to because I think it's private and special law and we gave these communities Home Rule, Now, this is exactly against Home Rule, the Legislature back here again is trying to tell the communities what they should do and I don't think it's right. Let the people of our community decide this. I don't want to come up here and thrash things out every year or every two years and tell Lewiston-Auburn what to do in their community. Why should the guy from Madawaska come over in Lewiston and tell them how we shall use our airport and I object to this and I would think that you people would go along with the committee report, the "ought not to pass" report that the majority of the committee that said no, this bill should not pass.

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

Mr. CALL: Mr. Speaker and Members of the House: As a member of the Lewiston City Council, I object to the creation of the Lewiston-Auburn Airport Authority. There are too many creations in Lewiston now and too many attempts to create more organizations. The method of the operation at the airport, as has been stated by the gentlewoman from Auburn, Mrs. Lewis, is sufficient. I add that this bill actually is a dangerous bill. I agree with Mr. Jacques, that we in Lewiston and Auburn are in a better position to know our own problems and what, if anything, should be created and I beg of this Body to vote to accept the "ought not to pass" report.

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

Mr. STROUT: Mr. Speaker and Ladies and Gentlemen of the House: I just want to give you a few remarks why I signed out the majority "ought not to pass" report. This is one of the reasons I felt that this legislative body shouldn't be acting on this Lewiston-Auburn Airport Authority. I feel we should leave it up to them and therefore I hope you will support the "ought not to pass".

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

Mr. HUGHES: Mr. Speaker, I don't

want to start a debate reminiscent of the old days that I guess we used to have around here. I would just simply add this, that the bill, as it is presently worded, has a referendum on it and if the people of Lewiston-Auburn are opposed to it, they'll have the chance to say so at the polls and given that, I would hope you would vote no on the "ought not to pass" report and accept the "ought to pass" report.

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

Mrs. SNOWE: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to point out to the gentleman from Lewiston, Mr. Jacques this is not a Home Rule situation. This applies to two communities; therefore, this is the only route we can take.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

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

Mr. NADEAU: Mr. Speaker, if the gentleman from Saco, Mr. Hobbins, were here, he would be voting yes and I would be voting no.

**ROLL CALL**

YEA — Berry, P. P.; Bowie, Burns, Bustin, Byers, Call, Carey, Carter, Doak, Hewes, Hunter, Jacques, Jensen, Kauffman, Laffin, Laverty, Lewis, Littlefield, Lynch, Mackel, Maxwell, McMahon, Post, Saunders, Strout, Talbot, Tarr, Teague, Theriault, Tozier, Truman, Usher, Walker.

NAY — Ault, Bachrach, Bagley, Berry, G. W.; Berube, Boudreau, Carroll, Churchill, Clark, Connors, Cox, Curran, P.; Curtis, Dam, Doak, Drigotas, Durgin, Farnham, Faucher, Fenlason, Finemore, Garsoe, Gould, Gray, Henderson, Hughes, Ingegneri, Jackson, Jalbert, Joyce, Kany, Kennedy, Leonard, Lewin, Lovell, MacLeod, Martin, R.; McBreairty, Miskavage, Morin, Morton, Najarian, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rolde, Rollins, Shute, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Tierney, Torrey, Twitchell, Wagner, Wilfong, Winship.

ABSENT — Albert, Bennett, Birt, Blodgett, Carpenter, Chonko, Connolly, Cooney, Cote, Curran, R.; Davies, DeVane, Dudley, Dyer, Farley, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hennessey, Higgins, Hinds, Hobbins, Hutchings, Immonen, Kelley, LaPointe, LeBlanc, Lizotte, Lunt, MacEachern, Mahany, Martin, A.; McKernan, Mills, Mitchell, Nadeau, Norris, Palmer, Peterson, P.; Rideout, Silverman, Smith, Tyndale, Webber.

Yes, 34; No, 67; Absent, 46; Paired, 2.

The SPEAKER: Thirty-four having voted in the affirmative and sixty-seven in the negative, with forty-six being absent and two paired, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

The Chair laid before the House the eighth tabled and today assigned matter: Bill, "An Act to Establish the Maine

Building Code" (H. P. 1346) (L. D. 1810) (C. "A" H-283)

Tabled — May 15, by Mr. Dam of Skowhegan.

Pending — Passage to be Engrossed.

On motion of Mrs. Najarian of Portland, tabled pending passage to be engrossed and specially assigned for Tuesday, May 20.

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

Bill, "An Act to Promote the Orientation of State Employees in the Functions and Purposes of State Government," (H. P. 1289) (L. D. 1582)

Tabled — by Mr. Palmer of Nobleboro

Pending — Adoption of Committee Amendment "A"

Mr. Hewes of Cape Elizabeth offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-399) was read by the Clerk and adopted.

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

The Bill was assigned for second reading the next legislative day.

**(Off Record Remarks)**

On motion of Mr. Shute of Stockton Springs,

Adjourned until Monday, May 19, at ten o'clock in the morning.