

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

Monday, May 19, 1975

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

Prayer by Father Louis Berube of Auburn.

The members stood at attention during the playing of the National Anthem by the Van Buren High School Band.

The journal of the previous session was read and approved.

**Conference Committee Report
Later Today Assigned**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing the Number of Associate Justices of the Supreme Judicial Court" (S. P. 147) (L. D. 510) ask leave to report: that the House recede from passage to be engrossed; indefinitely postpone House Amendment "B" (H-190); adopt Conference Committee Amendment "A" (H-373) and pass the bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from passage to be engrossed; adopt Conference Committee Amendment "A" (H-373) and pass the bill to be engrossed as amended by Conference Committee Amendment "A".

Signed:
Messrs. SNOW of Falmouth
CARPENTER of Houlton
— of the House.
Messrs. MERRILL of Cumberland
CLIFFORD of Androscoggin
COLLINS of Knox
— of the Senate.

Report was read.

Mr. Hobbins of Saco moved that the House accept the Conference Committee Report.

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

Mr. COTE: Mr. Speaker, could someone explain what the report contains, please.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, poses a question through the Chair to anyone who may care to answer.

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

Mr. SNOW: Mr. Speaker and Members of the House: What the Conference Committee Report does is allow for the appointment of an associate justice as of July 1, 1976. The original measure about which we conferred called for appointment of the additional justice July 1, 1975. Thus, there is a saving of one year in the cost of this position.

In addition to that, Mr. Speaker, an order is being prepared which asks the Judiciary Committee to study the appeal procedure in the courts with the hope that the need for a further justice beyond this one authorized by the report will be precluded.

Thereupon, on motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Hobbins of Saco to accept the Conference Committee Report and later today assigned.

Papers from the Senate

From the Senate: The following Communication:
**THE SENATE OF MAINE
AUGUSTA**

May 16, 1975

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

Augusta, Maine

Dear Mr. Pert:

The Senate voted to Insist and Join in a Committee of Conference on Bill, "An Act Designating Family Day Care as a Priority Social Service" (H. P. 1207) (L. D. 1500).

Respectfully,

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

The Communication was read and ordered placed on file.

From the Senate: The following Communication:

**The Senate of Maine
Augusta**

May 16, 1975

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

Dear Mr. Pert:

The Senate voted today to Adhere to its action whereby it accepted the Minority Ought Not to Pass Report on Bill, An Act to Require Bicycle Safety Education in Public Schools. (H. P. 1079) (L. D. 1359)

Respectfully,

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

The Communication was read and ordered placed on file.

From the Senate: The following Communication:

**The Senate of Maine
Augusta**

May 16, 1975

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

Dear Mr. Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Providing for the Observance of Memorial Day on May 30th" (S. P. 371) (L. D. 1198)

Senators:

**KATZ of Kennebec
CLIFFORD of Androscoggin
DANTON of York**

The President appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers" (H. P. 991) (L. D. 1255):

Senators:

**COLLINS of Knox
CURTIS of Penobscot
O'LEARY of Oxford**

The President appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Increase the Veteran's Property Tax Exemption" (H. P. 1174) (L. D. 1172):

Senators:

**WYMAN of Washington
COLLINS of Knox
MERRILL of Cumberland**

Respectfully,

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

The Communication was read and ordered placed on file.

Tabled and Assigned

From the Senate: The following Joint Order: (S. P. 522)

ORDERED, the House concurring, that the Joint Standing Committee on

Appropriations and Financial Affairs report out a bill making additional appropriations for the expenditures of State Government and for other purposes for the fiscal year ending June 30, 1975.

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Rolde of York, tabled pending passage in concurrence and tomorrow assigned.)

From the Senate: The following Joint Order: (S. P. 520)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Auburn Senior Little League 1974 New England Little League Champions

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.

From the Senate: The following Joint Order: (S. P. 521)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of James Chaplin, Coach; Dennis Sweetser, Manager; Auburn Senior Little League 1974 New England Little League Champions

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.

From the Senate: The following Joint Resolution: (S. P. 523)

IN MEMORIAM

Having Learned Of The Death Of
**THE HONORABLE EARLE M.
HILLMAN
OF BANGOR
FORMER PRESIDENT OF THE MAINE
SENATE**

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and adopted.

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

Reports of Committees Ought Not to Pass

Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act Relating to Dog Licenses and Dog License Fees" (S. P. 337) (L. D. 1125)

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

Leave to Withdraw

Committee on Agriculture reporting Leave to Withdraw on Bill "An Act to Provide for the Approval by the Commissioner of Agriculture of all Exhibition Dates of Agricultural Fairs" (Emergency) (S. P. 333) (L. D. 1119)

Came from the Senate with the Report read and accepted.

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

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services" (S. P. 202) (L. D. 669)

Report was signed by the following members:

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

Mrs. MITCHELL of Vassalboro
Mrs. LEWIS of Auburn
Messrs. TYNDALE of Kennebunkport

BAGLEY of Winthrop
CARROLL of Limerick
CONNOLLY of Portland
POWELL of Wallagrass
Plantation
— of the House.

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

Report was signed by the following members:

Messrs. LYNCH of Livermore Falls
FENLASON of Danforth
INGEGNERI of Bangor
— of the House.

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

In the House: Reports were read.

On motion of Mr. Powell of Wallagrass Plantation, the Majority "Ought to pass" Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Increase the Minimum Wage to \$2.30 an Hour" (H. P. 1521) (L. D. 1834) which was passed to be engrossed as amended by House Amendment "A" (H-316) in the House on May 14.

Came from the Senate with that Body having adhered to its previous action of passage to be engrossed in non-concurrence.

In the House:

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

Mr. WILFONG: Mr. Speaker, Men and Women of the House: It is not a happy day for the minimum wage workers in the State of Maine. We who believe in a higher minimum wage have done all we can. We have exhausted every remedy, we have tried every amendment and we have failed. The only motion now left before us is the motion to recede and concur. It represents a pittance to the Maine workers who work in our shoe shops, wait on tables,

pump gas and scrub floors, but we cannot deny them their benefits, no matter how small.

The motion will bring a \$2.30 an hour minimum wage to Maine workers in October. It is too little and it is too late, but it is all we can do. So, with a heavy heart, I make the motion that the House recede and concur.

Thereupon, Mr. McMahon of Kennebunk requested a roll call vote.

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

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

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to go along with the motion to recede and concur, but like the gentleman from Stow, Mr. Wilfong, just said, it is not my intention just to leave it at \$2.30 an hour, but it is all we can do and I want to be on the record to recede and concur because we have to.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Stow, Mr. Wilfong, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Connors, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Davies, Doak, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, J-albert, Jensen, Joyce, Kauffman, Kelley, Kennedy, Laffin, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Powell, Raymond, Rideout, Rolde, Rollins, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Theriault, Tierney, Torrey, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Curran, R.; Kany, Kelleher, Quinn, Saunders, Tozier.

ABSENT — Churchill, Connolly, DeVane, Dow, Dudley, Gauthier, Goodwin, H.; Hewes, LaPointe, Laverty, LeBlanc, Mackel, Martin, R.; Mills, Miskavage, Norris, Post, Teague, Webber.
Yes, 125; No, 6; Absent, 19.

The SPEAKER: One hundred twenty-five having voted in the affirmative and six in the negative, with nineteen being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act to Restrict the Possession of Radio Receiver Crystals Used to Receive Certain Governmental Frequencies" (S. P. 188) (L. D. 622) on which the Minority "Ought Not to Pass" Report of the

Committee on Legal Affairs was read and accepted in the House on May 15.

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-129) Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed as amended and asked for a Committee of Conference.

In the House:

Mr. Jacques of Lewiston moved that the House adhere.

Mr. Carey of Waterville moved that the House Insist and join in a Committee of Conference.

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

Mr. FINEMORE: Mr. Speaker, if I am out of order, you can call me out of order, but we have been getting so many good bills back that we have passed in here, worked hard on them, we have done a good job on them, and we are getting them back from the body at the other end of the hall all killed or changed over. It is getting pretty near to a point, I think most of the members will agree with me this morning, that we should fight back once in a while. Here we are this morning going right along in their hands.

We have a bill that was defeated very soundly in this House, very, very soundly in this House, and now they are asking us "ought to pass" and join a committee of conference. Why not kill that insist and vote to adhere and just show them once and for all that we can stand on our own feet. We aren't going to be led by 33 members, 151 of us. It is pretty near time that we stood up and fought back. We are getting all kinds of measures killed here this morning right and left, measures that I will speak on later and I know many more will. But I hope this morning this body will go along and vote down the insist and ask for a committee of conference and then vote to adhere.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the House insist and join in a Committee of Conference. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 94 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Jacques of Lewiston, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Increase Certain Weight Limits for Class 2 and Class 3 Motor Vehicle Licenses" (H. P. 1369) (L. D. 1650) on which the Minority "Ought to Pass" Report of the Committee on Transportation was read and accepted and the Bill passed to be engrossed in the House on May 15.

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

In the House:

Mr. Greenlaw of Stonington moved that the House Insist and ask for a Committee of Conference.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Here is an example of just what I have been telling you. Here is one that all over the whole

state it would help us. Here we are with farmers and their wives and the young people who can drive on their own farms, or in my case, if my son leaves his truck uptown, I can't get in and drive it back down to the house. This says 18,000; we asked for 32,000, I believe Mr. Greenlaw will tell you. We asked for 32,000 on the Class 3 license. My heavens, we have been driving those trucks, our children drive those trucks, our grandchildren drive those trucks, and here they are today sending that back "ought not to pass." All we can do is move to insist, as Mr. Greenlaw has, but I am just giving you an example of what they are doing to us.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: It was my understanding that there was going to be an amendment on this thing. I don't see the amendment. I would like to see this thing tabled for a couple of days.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I think if we go along with what Mr. Finemore said on the previous matter, let's not let them shove us around. I move we recede and concur.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House recede and concur.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: First off, I think I would like to comment to the gentleman from Mexico, on Friday, the gentleman wasn't present and an amendment was offered. Then the gentleman from Stonington withdrew his amendment.

I hope that you don't recede and concur. I think the motion to insist and ask for a committee of conference is in order at this time and maybe we can work something out.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know what the gentleman from Brewer, Mr. Norris, is thinking of, because we would be going right into their hands if we recede and concur. I hope we will vote this motion down if he won't insist and ask for a committee of conference, because I believe up in his district, I know in his district there are people who have gardens and things like that who are using trucks 18,000 or heavier. I think he should withdraw that motion. I hope he will; if not, I hope we can vote it down.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I know exactly what I am doing. It is getting late in the session, and to quote Mr. Finemore on the last thing, he said there was no area for compromise here, so instead of running back and forth with a committee of conference, apparently the other body is not interested in this and we would just be wasting our time, so I stand where I was.

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

Mr. CARROLL: Mr. Speaker and Members of the House: I am in no hurry to go home. If we have got to bow to that other body, let us bow all summer and stay right here. It is time we sent the message, and if they don't get it by voice, let's get on the phone and send it. Let's give them the

message. The House is the House, 151 members.

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

Mr. JENSEN: Mr. Speaker and Members of the House: Maybe I am wrong, but my impression is that this bill is not just an act to try and show that we are a different body than that other one at the other end of the hall. I think the issue we are talking about is whether or not someone needs to have some idea of what he is doing when he gets in one of these big trucks.

Right now, anyone with any license can drive an 18,000 pound truck. Under this law, if this bill was passed, you would have anyone being allowed to get into a truck and drive it up to 32,000 pounds. I think the issue you are talking about is safety. I urge you to vote to recede and concur.

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

A vote of the House was taken. 22 having voted in the affirmative and 91 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Greenlaw of Stonington, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Providing for the Establishment of a Pilot Project in Bilingual Education" (H. P. 1428) (L. D. 1779) on which the Majority "Ought to Pass" Report of the Committee on Education was read and accepted and the Bill passed to be engrossed as amended by House Amendment "B" (H-337) in the House on May 15.

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

In the House: On motion of Mrs. Mitchell of Vassalboro, the House voted to insist.

Messages and Documents

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

May 16, 1975

Members of the House of Representatives and Senate of the 107th Legislature

I am returning to you today without my approval H. P. 366, L. D. 460, An Act to Authorize the Governor and Executive Council to approve or disapprove certain claims against the state.

I am taking this action because it is my feeling the Governor and the Executive Council, if the Council is going to remain in existence, would not have the time or the staff available to make these determinations.

I am also taking this action because it is my understanding that there is legislation pending in this session to abolish the Executive Council and that a law of this nature could possibly be moot within a few weeks. It is my sincere feelings that the Legislature should first decide what action it is going to take in regard to the Executive Council, before it assigns that body any more duties.

Very truly yours,

Signed:

JAMES B. LONGLEY

The Communication was read and ordered placed on file.

On motion of Mr. Rolde of York, tabled

pending the question whether or not this Bill shall become law notwithstanding the objections of the Governor and tomorrow assigned.

Petitions, Bills and Resolves

The following Bill was received and, upon recommendation of a majority of the Committee on Reference of Bills, was approved for introduction on the House Calendar and referred to the following Committee:

Appropriations and Financial Affairs

Bill "An Act to Require the Payment of AFDC Benefits for Unborn Children" (Emergency) (H. P. 1608) (Presented by Mr. Connolly of Portland) (Cosponsors: Mrs. Najarian of Portland, Mrs. Goodwin of Bath)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage: (H. P. 1603)

ORDERED, the Senate concurring, that the Joint Standing Committee on Marine Resources is directed to report out a bill establishing a sternman's license for sternmen on fishing vessels used to fish for lobsters and crabs.

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

Mr. Sprowl of Hope presented the following Joint Order and moved its passage: (H. P. 1604)

WHEREAS, the fisheries industry is of great economic importance to Maine and her people; and

WHEREAS, the present condition of the fisheries industry may be benefited by modernization and growth; and

WHEREAS, this modernization and growth can be aided and encouraged through a sound legislative policy concerning the fishing industry; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Marine Resources, to study and determine the present condition of the Maine fisheries industry and study the available means which may be used to encourage the conservation, growth and modernization of the fisheries industry; and be it further

ORDERED, that for purposes of this study, the Committee on Marine Resources may conduct public hearings throughout the State in order to solicit and consider testimony for its study, and may, in addition, solicit and receive information from individuals and agencies expert in the field, including but not limited to the Maine Department of Marine Resources; 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 said agencies as notice of this directive.

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

Mr. Cote of Lewiston presented the following Joint Order and moved its passage: (H. P. 1605)

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

**DOLORES ANNE CARBONNEAU
OF LEWISTON
NAMED**

**MAINE'S OUTSTANDING TEENAGER
OF 1975**

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

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

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

Mr. Drigotas of Auburn presented the following Joint Order and moved its passage: (H. P. 1606) (Cosponsors: Mrs. Lewis of Auburn, Mrs. Snowe of Auburn, Mrs. Hughes of Auburn)

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

MALCOLM PHILBROOK, JR.

CHOSEN BY

**THE AUBURN BUSINESS ASSOCIATION
AS THE 1975**

AUBURN MAN-OF-THE-YEAR

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

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

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

Mr. Faucher of Solon presented the following Joint Order and moved its passage: (H. P. 1607)

WHEREAS, legislation has been proposed to lower the age limit for a guard or patrol agency owner to the present legal age of majority and to eliminate the needless condemnation for the rest of his life of a person who was convicted of a felony at an early age in life; and

WHEREAS, such legislation will make the fees equitable for those involved in private detective work and guard or patrol agencies, will increase the fees paid by nonresident detectives and guard and patrol agencies and generally upgrade the watch, guard and patrol agency and licenses; and

WHEREAS, the Legislature feels this matter is deserving of additional study to determine the needs of such legislation; 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 Legislative Council and Joint Standing Committee on Legal Affairs as notice of this directive.

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

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

Mr. Perkins from the Committee on Judiciary on Bill "An Act to Forbid the Expenditure of State Funds for Abortions" (H. P. 404) (L. D. 493) reporting "Ought Not to Pass"

Mr. Bennett from the Committee on Judiciary on Bill "An Act to Clarify the Meaning of Reasonable Compensation Paid to Court-appointed Counsel" (H. P. 312) (L. D. 385) reporting "Ought Not to Pass" (Senator Merrill of Cumberland abstained)

Mr. Doak from the Committee on Natural Resources on Bill "An Act Concerning the Approval of Repairs to Existing Septic Systems" (H. P. 1007) (L. D. 1275) reporting "Ought Not to Pass"

Mr. Peterson from the Committee on Natural Resources on Bill "An Act to Change the Set back and Frontage Provisions Relating to the Saco River Corridor" (H. P. 1323) (L. D. 1635) reporting "Ought Not to Pass"

Mr. Cox from the Committee on Taxation on Bill "An Act Placing Nonprofit Hospital or Medical Service Organizations under the Maine Insurance Code" (H. P. 902) (L. D. 1159) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Hughes from the Committee on Judiciary on Bill "An Act to Establish the Uniform Disclaimer of Property Interests Act" (H. P. 874) (L. D. 1048) reporting Leave to Withdraw.

Mr. McBreaity from the Committee on Natural Resources on Bill "An Act to Abolish the Land Use Regulation Commission" (H. P. 9) (L. D. 14) reporting Leave to Withdraw.

Mr. Curran from the Committee on Natural Resources on Bill "An Act Creating the Maine Forest Practices Act" (H. P. 1446) (L. D. 1804) reporting Leave to Withdraw.

Mr. Gauthier from the Committee on Judiciary on Bill "An Act to Amend the Age of Juveniles under the Juvenile Statutes" (H. P. 792) (L. D. 965) reporting Leave to Withdraw.

Mr. Mulkern from the Committee on Taxation on Bill "An Act to Eliminate the State Tax on Inventories and Restore the Original Law" (H. P. 451) (L. D. 574) reporting Leave to Withdraw.

Mr. Maxwell from the Committee on Taxation on Bill "An Act to Exempt Residential Use of Water from the Sales Tax" (H. P. 1067) (L. D. 1347) reporting Leave to Withdraw.

Mr. Morton from the Committee on Taxation on Bill "An Act to Help Maintain the Purchasing Power of Participants in the Elderly Tax and Rent Refund Program by Tying Refunds to the Consumer Price Index" (H. P. 1163) (L. D. 1462) reporting Leave to Withdraw.

Mr. Maxwell from the Committee on Taxation on Bill "An Act to Levy a Sales Tax on the Rental of Motor Vehicles for Operation by Consumers" (H. P. 1393) (L. D. 1751) reporting Leave to Withdraw.

Mr. Flanagan from the Committee on Labor on Bill "An Act Relating to the Definition of Employment under the Employment Security Law" (H. P. 1103) (L. D. 1413) reporting Leave to Withdraw.

Mrs. Martin from the Committee on Local and County Government on Bill "An Act to Clarify the Location of Certain

Islands as being within the Territorial Limits of the Town of Deer Isle" (H. P. 1374) (L. D. 1774) reporting Leave to Withdraw.

Reports were read and accepted and sent up for concurrence.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Energy reporting "Ought Not to Pass" on Bill "An Act to Preserve the Passamaquoddy-Cobscook Bay Tidal Potential for Generating Power by Moratorium on Incompatible Developments" (H. P. 1155) (L. D. 1449)

Report as signed by the following members:

Messrs. CIANCHETTE of Somerset
TROTZKY of Penobscot
ROBERTS of York

— of the Senate.

Messrs. FARLEY of Biddeford
TORREY of Poland
BENNETT of Caribou
JACKSON of Yarmouth
KELLEHER of Bangor
GREENLAW of Stonington

Mrs. DURGIN of Kittery
Mrs. BYERS of Newcastle

— of the House.

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

Report was signed by the following members:

Messrs. DAVIES of Orono
CONNOLLY of Portland

— of the House.

Reports were read.

On motion of Mr. Farley of Biddeford, tabled pending acceptance of either Report and specially assigned for Wednesday, May 21.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Energy reporting "Ought Not to Pass" on Bill "An Act to Create an Independent Supervisor to Review the Construction and Initial Operation of an Oil Refinery" (H. P. 1433) (L. D. 1720)

Report was signed by the following members:

Messrs. CIANCHETTE of Somerset
TROTZKY of Penobscot
ROBERTS of York

— of the Senate.

Messrs. FARLEY of Biddeford
TORREY of Poland
BENNETT of Caribou
JACKSON of Yarmouth
KELLEHER of Bangor

Mrs. DURGIN of Kittery
Mrs. BYERS of Newcastle

— of the House.

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

Report was signed by the following members:

Messrs. DAVIES of Orono
CONNOLLY of Portland
GREENLAW of Stonington

— of the House.

Reports were read.

Mr. Farley of Biddeford moved this matter be tabled for two legislative days.

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

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Farley, that this matter be tabled pending acceptance of either Report and specially assigned for Wednesday, May 21. All in favor of that

motion will vote yes; those opposed will vote no.

A vote of the House was taken. 73 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act Relating to the Furnishing of Family Planning Services to Minors" (H. P. 988) (L. D. 1253)

Report was signed by the following members:

- Messrs. GREELEY of Waldo
- BERRY of Androscoggin — of the Senate.
- Messrs. CURRAN of South Portland
- GOODWIN of South Berwick
- KENNEDY of Gray
- LOVELL of Sanford
- HENNESSEY of West Bath
- LaPOINTE of Portland
- SPROWL of Hope
- Mrs. POST of Owls Head — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-394) on same Bill.

Report was signed by the following members:

- Mr. HICHENS of York — of the Senate
- Mrs. LAVERTY of Millinocket
- Mrs. MORIN of Old Orchard Beach — of the House.

Reports were read.

Mr. Birt of East Millinocket moved that this matter be tabled for one legislative day.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that this matter be tabled pending acceptance of either Report and tomorrow assigned. The Chair will order a vote. All in favor of tabling for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act Relating to Retail Sale of Dessert Wine" (H. P. 1101) (L. D. 1397)

Report was signed by the following members:

- Messrs. LIZOTTE of Biddeford
- DYER of South Portland
- PIERCE of Waterville
- TWITCHELL of Norway
- RAYMOND of Lewiston
- PERKINS of Blue Hill
- IMMONEN of West Paris — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-379) on same Bill.

Report was signed by the following members:

- Messrs. GRAFFAM of Cumberland
- CARBONNEAU of Androscoggin
- DANTON of York — of the Senate.
- Messrs. JACQUES of Lewiston
- FAUCHER of Solon

MAXWELL of Jay — of the House.

Reports were read.

On motion of Mr. Maxwell of Jay, tabled pending acceptance of either Report and specially assigned for Wednesday, May 21.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-395) on Bill "An Act to Provide for Citizen Gardens on Suitable State Land" (Emergency) (H. P. 1294) (L. D. 1574)

Report was signed by the following members:

- Messrs. WYMAN of Washington
- GRAHAM of Cumberland — of the Senate.
- Mrs. KANY of Waterville
- Mrs. SNOWE of Auburn
- Messrs. WAGNER of Orono
- CARPENTER of Houlton
- QUINN of Gorham
- COONEY of Sabattus
- STUBBS of Hallowell
- FARNHAM of Hampden
- PELOSI of Portland
- LEWIN of Augusta — of the House.

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

Report was signed by the following member:

- Mr. CURTIS of Penobscot — of the Senate.

Reports were read.

On motion of Mr. Cooney of Sabattus, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-395) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-397) on Resolution, Proposing an Amendment to the Constitution to Provide for Direct Initiative for Proposed Amendments to the Constitution (H. P. 1421) (L. D. 1806)

Report was signed by the following members:

- Messrs. GRAHAM of Cumberland
- CURTIS of Penobscot — of the Senate.
- Mrs. KANY of Waterville
- Mrs. SNOWE of Auburn
- Messrs. COONEY of Sabattus
- STUBBS of Hallowell
- CARPENTER of Houlton
- WAGNER of Orono
- LEWIN of Augusta
- PELOSI of Portland
- QUINN of Gorham — of the House.

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

Report was signed by the following members:

- Mr. WYMAN of Washington — of the Senate.
- Mr. FARNHAM of Hampden — of the House.

Reports were read.

On motion of Mr. Cooney of Sabattus, the Majority "Ought to pass" Report was accepted and the Resolution read once. Committee Amendment "A" (H-397) was read by the Clerk and adopted and the

Resolution assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Increase Exemptions for the Inheritance Tax and to Increase the Inheritance Tax Rate" (H. P. 367) (L. D. 461)

Report was signed by the following members:

- Messrs. WYMAN of Washington
- JACKSON of Cumberland — of the Senate.
- Messrs. TWITCHELL of Norway
- FINEMORE of Bridgewater
- MORTON of Farmington
- DAM of Skowhegan
- MAXWELL of Jay — of the House.

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

Report was signed by the following members:

- Mr. MERRILL of Cumberland — of the Senate.
- Messrs. MULKERN of Portland
- DRIGOTAS of Auburn
- IMMONEN of West Paris
- SUSI of Pittsfield
- COX of Brewer — of the House.

Reports were read.

Mr. Drigotas of Auburn moved that the House accept the Minority "Ought to pass" Report.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate against the gentleman from Auburn, Mr. Drigotas, but I hope this morning, if this motion does pass, that you will read this bill and study it for a whort time, just sit down and think whether you want this bill or not. That is all I have to say on it this morning.

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

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1055) (L. D. 1332)

Report was signed by the following members:

- Messrs. MERRILL of Cumberland
- JACKSON of Cumberland — of the Senate.
- Messrs. TWITCHELL of Norway
- IMMONEN of West Paris
- DRIGOTAS of Auburn
- MULKERN of Portland
- COX of Brewer
- MAXWELL of Jay — of the House.

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

Report was signed by the following members:

- Mr. WYMAN of Washington — of the Senate.
- Messrs. MORTON of Farmington
- FINEMORE of Bridgewater
- SUSI of Pittsfield
- DAM of Skowhegan — of the House.

Reports were read.

On motion of Mr. Rolde of York, tabled

pending acceptance of either Report and specially assigned for Wednesday, May 21.

**Divided Report
Tabled and Assigned**

Majority Report of the committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Exempt Federal and State Retirement Benefits from State Income Taxation" (H. P. 1404) (L. D. 1684)

Report was signed by the following members:

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

Messrs. DRIGOTAS of Auburn
SUSI of Pittsfield
TWITCHELL of Norway
FINEMORE of Bridgewater
MORTON of Farmington
IMMONEN of West Paris
MAXWELL of Jay
DAM of Skowhegan
— of the House.

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

Report was signed by the following members:

Messrs. COX of Brewer
MULKERN of Portland
— of the House.

Reports were read.

On motion of Mr. Drigotas of Auburn tabled pending acceptance of either Report and specially assigned for Wednesday, May 21.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-393) on Bill "An Act Relating to Certain Overtime Exemptions Under Minimum Wage Law" (H. P. 401) (L. D. 490)

Report was signed by the following members:

Mr. ROBERTS of York
— of the Senate.

Mrs. CHONKO of Topsham
Mrs. TARR of BRIDGTON

Messrs. SPROWL of Hope
LAFFIN of Westbrook
TEAGUE of Fairfield
MARTIN of St. Agatha
FLANAGAN of Portland
SNOW of FALMOUTH
TIERNEY of Durham
— of the House.

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

Report was signed by the following members:

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

Reports were read.

On motion of Mr. Truman of Biddeford, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-393) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-378) on Bill "An Act to Allow Payment of Unemployment Compensation Benefits During Labor Disputes Caused by Failure of the Employer to Correct Hazardous Working Conditions" (H. P. 825) (L. D. 1008)

Report was signed by the following members:

Mr. PRAY of Penobscot
— of the Senate.

Mrs. CHONKO of Topsham
Messrs. LAFFIN of Westbrook
TEAGUE of Fairfield
MARTIN of St. Agatha
FLANAGAN of Portland
TIERNEY of Durham
— of the House.

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

Report was signed by the following members:

Messrs. ROBERTS of York
McNALLY of Hancock
— of the Senate.

Messrs. SPROWL of Hope
SNOW of Falmouth
Mrs. TARR of Bridgton
— of the House.

Reports were read.

On motion of Mr. Tierney of Durham, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-378) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" on Bill "An Act to Validate Certain Acts of the Town Clerk of the Town of Brunswick" (Emergency) (H. 1507) (L. D. 1838)

Report was signed by the following members:

Messrs. JACKSON of Cumberland
GRAFFAM of Cumberland
CARBONNEAU of Androscoggin
— of the Senate.

Mrs. BERRY of Madison
Mrs. KELLEY of Machias
Mrs. MARTIN of Brunswick

Messrs. GRAY of Rockland
WALKER of Island Falls
TRUMAN of BIDDEFORD
HENDERSON of Bangor
CARPENTER of Houlton
Mrs. BERUBE of Lewiston
— of the House.

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

Report was signed by the following member:

Mr. DAM of Skowhegan
— of the House.

Reports were read.

On motion of Mrs. Martin of Brunswick, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Exempt New Machinery, Equipment and Supplies Used in Agricultural Production from the Sales Tax" (H. P. 386) (L. D. 479)

Report was signed by the following members:

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

Messrs. MAXWELL of Jay
COX of Brewer
TWITCHELL of Norway
SUSI of Pittsfield
MORTON of Farmington
DAM of Skowhegan
— 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. MERRILL of Cumberland
— of the Senate.

Messrs. MULKERN of Portland
DRIGOTAS of Auburn
IMMONEN of West Paris
FINEMORE of Bridgewater
— of the House.

Reports were read.

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

Mr. DRIGOTAS: Mr. Speaker, I move acceptance of the "Ought not to pass" Report, and there is no better reason for doing so than by reading to you the seven lines of the bill, and which seven lines includes a little fiscal note.

The Bill reads, "Be it enacted by the People of the State of Maine, as follows: New machinery, equipment and supplies in agricultural production. Sales of new machinery, equipment and supplies for use by the purchaser directly and primarily in agricultural production, including production of crops for human and animal consumption and production of livestock."

Now, this is the little fiscal note that I mentioned. The fiscal note reads, "It is estimated that passage of this Act would result in a loss of revenue of \$3,000,000 for the first year of the biennium and of \$3,300,000 for the 2nd year of the biennium." This is the reason why I urge you to accept the "ought not to pass" report.

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, moves that the House accept the Minority "Ought not to pass" report.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This happens to be my bill. The fiscal note is wrong. The amount for the first year is \$2,125,000 which, of course, is still a lot of money. But two years ago, we passed just such an item for big business, manufacturers, paper companies, woolen mills, shoe shops, any people buying equipment to be used in that business and we did raise a tax for it.

Now, in this case, in the committee, I had said, if need be, I will sign an income tax and I am very serious about that. I feel that there is no place that needs an exemption any worse than the farmer in the State of Maine. Every day farmers go out of business because they cannot make money. This would be one shot in the arm for them and I feel that we ought to turn down the "ought not to pass" report so we then can accept the "ought to pass" report.

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

Mr. DRIGOTAS: Mr. Speaker, Ladies and Gentlemen of the House: Of course it is always hard to debate a bill that a fellow member of your committee has introduced, but this here also includes — and it was explained to us before Taxation by members of the Bureau of Taxation that the word "supplies" contained within the bill, new machinery equipment and supplies, the supplies also are a factor that they don't know exactly what it would entail so the figure on the fiscal note that was given to us is, actually, if you will read it, \$3 million the first biennium and \$3,300,000 for the second with perhaps an unknown factor involved in the matter of supplies. The amount is such that I honestly don't know how we can pass this exemption. I would ask for a division.

The SPEAKER: The Chair recognizes

the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Auburn, Mr. Drigotas, if he would furnish me the information of just how much it cost us when they gave the manufacturing industry their big gift?

The SPEAKER: The gentleman from Limerick, Mr. Carroll, has posed a question through the Chair to the gentleman from Auburn, Mr. Drigotas, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. DRIGOTAS: Mr. Speaker, Ladies and Gentlemen of the House: Of course I don't have the exact figure, but that figure was offset by the increase in the corporate tax from 5 to 7 percent and that was well taken care of and amply so I believe.

The SPEAKER: The pending question before the House is the acceptance of the "Ought not to Pass" Report. A vote has been requested. If you are in favor of the "Ought not to Pass" Report, you will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Laffin of Westbrook requested a roll call.

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

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

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we could vote against this motion this morning so we could accept the "Ought to Pass" Report and send this bill on its way, even if it has to lay on the Appropriations Table. If it does there, I wouldn't feel quite so bad about it.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think this is the position we should take this morning in what the gentleman from Jay just said. This is not a gift, it is not the way to look at it. There is a possibility that the money may be there but the point we are trying to talk about here is a shift in how taxes are assessed, and this is an opportunity to help the agricultural industry in exactly the same way that the other industry was helped at the last session, and it is a matter of shifting the burden of taxation from one source of taxation to another. None of us feel as though this is going to be given away. We have got to raise the necessary taxes but the method of taxation is what is in question here and I urge you to vote no on the pending motion.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Auburn, Mr. Drigotas, that the House accept the Minority "Ought not to pass" Report. A roll call was ordered. Those in favor of the "Ought not to Pass" Report will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Berube, Birt, Boudreau, Bustin, Carey, Chonko, Clark, Connolly, Cooney, Cote, Curran, P.; Davies, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, K.;

Gray, Henderson, Higgins, Hinds, Hobbins, Hughes, Immonen, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Lizotte, Lynch, MacEachern, Mackel, Martin, A.; McMahon, Morin, Mulhern, Nadeau, Norris, Peakes, Pelosi, Powell, Quinn, Raymond, Snow, Snowe, Spencer, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Wilfong.

NAY — Albert, Ault, Bennett, Berry, G. W.; Berry, P. P.; Blodgett, Bowie, Burns, Byers, Call, Carpenter, Carroll, Carter, Connors, Cox, Curtis, Dam, Dow, Faucher, Finemore, Gould, Greenlaw, Hall, Hennessey, Hunter, Hutchings, Ingegneri, Jacques, Kelley, Kennedy, Laffin, LaPointe, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, MacLeod, Mahany, Martin, R.; Maxwell, McBreaity, McKernan, Mills, Mitchell, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Sprowl, Strout, Stubbs, Susi, Torrey, Twitchell, Tyndale, Usher, Wagner, Walker, Winship.

ABSENT — Churchill, Curran, R.; DeVane, Gauthier, Goodwin, H.; Hewes, Laverty, LeBlanc, Miskavage, Webber.

Yes, 66; No, 73; Absent, 10.

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

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

Under suspension of the rules, members of the House were allowed to remove their jackets for the remainder of the day's session.

Consent Calendar

First Day

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

Bill "An Act to Clarify the Jurisdiction of the Juvenile Court in Matters Arising under the Boating Laws" — Committee on Judiciary reporting "Ought to Pass" (H. P. 948) (L. D. 1186)

Bill "An Act to Extend the Provisions of the Energy Emergency Proclamation" (Emergency) Committee on Energy reporting "Ought to Pass" (H. P. 1152) (L. D. 1446)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 20 under listing of the Second day.

Tabled and Assigned

Bill "An Act to Limit School Tuition Increases" — Committee on Education reporting "Ought to Pass" (H. P. 1175) (L. D. 1479)

On the request of Mr. Palmer of Nobleboro, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending the acceptance of the Committee Report and assigned for Wednesday, May 21.

Bill "An Act Concerning the Employee Uniform Requirements at the Maine State Prison and the Men's Correctional Center" — Committee on Health and Institutional Services reporting "Ought to Pass" (H. P. 1030) (L. D. 1521)

Bill "An Act Converting Hamlin Plantation into the Town of Hamlin" — Committee on Local and County

Government reporting "Ought to Pass" (H. P. 1502) (L. D. 1826)

Bill "An Act to Amend Certain Procedures for Issuing Bonds under the Charter of the York Beach Village Corporation" — Committee on Local and County Government reporting "Ought to Pass" (H. P. 1515) (L. D. 1841)

Bill "An Act to Repeal the Act to Incorporate the Parsonsfield Kezar Falls Village Corporation in the Town of Parsonsfield" — Committee on Local and County Government reporting "Ought to Pass" (H. P. 1534) (L. D. 1855)

Bill "An Act Relating to Absentee Balloting in Municipal Elections" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-385) (H. P. 562) (L. D. 701)

No objections being noted the above items were ordered to appear on the Consent Calendar of May 20 under listing of the Second Day.

Tabled and Assigned

Bill "An Act to Clarify the Authority of Municipalities to Undertake Activities Pursuant to the Housing and Community Development Act of 1974" (Emergency) — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-387) (H. P. 641) (L. D. 813)

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

On motion of the same gentlewoman, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 21.

Bill "An Act to Require Notification of Assistance to Indigent Persons" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-389) (H. P. 699) (L. D. 875)

No objection being noted, the above item was ordered to appear on the Consent Calendar of May 20 under listing of the Second Day.

Tabled and Assigned

Bill "An Act Authorizing the County Commissioners of the Various Counties to Expend Funds for the Purchase of Real Estate" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-388) (H. P. 1165) (L. D. 1464)

On the request of Mr. Kelleher of Bangor, was removed from the Consent Calendar.

Thereupon, the Committee Report was read and accepted and the Bill read once. Committee Amendment "A" (H-388) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, would some member of the committee or sponsor of the bill explain to the House just what is Committee Amendment "A". I have the bill here but I can't find the Amendment.

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

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Committee Amendment "A" has a filing number of H-388 and really what it is is a redraft of

the bill, but since the redraft of bills has been stopped, they have come out as committee amendments. What it does is say the county commissioners can, in the case that any federal property is available, they can purchase this property.

Now, as the law reads today, as it is right now on the books, the county commissioners can purchase property if it abuts the county property; if it is an abutting piece of property they can purchase it, but there has been instances in the state where there has been land directly across the street but with the street dividing the property and this land was being given up by the federal government and it could be purchased. But under the present statutes, it could not be purchased by the county commissioners without legislation going through authorizing them to do this. With this bill, they could, if it was directly across they could purchase this land from the federal government and this is what it deals with primarily.

A good case would be if there was a post office, a new one going up by the federal government and the old one was being discontinued and it was being offered by the federal government for sale, then the commissioners could purchase that property or post office. There again, automatically you have limitations built in, because even though this would allow them to purchase it, this only does that, it only empowers them to move away from the abutting property part of the statutes but they still would be subject to the same bond limitations or borrowing limitations as they would under any other property under the statutes at the present time.

On motion of Mr. Kelleher of Bangor, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

Tabled and Assigned

Bill "An Act to Provide for the Appointment or Election of a Fire Chief in Each Municipality" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-390) (H. P. 1206) (L. D. 1499)

On the request of Mr. Berry of Buxton, was removed from the Consent Calendar.

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

Bill "An Act Amending the Law Regulating Municipal Debt" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-391) (H. P. 1184) (L. D. 1482)

On the request of Mr. Carey of Waterville, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-391) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act to Authorize the Delegation by the Board of Environmental Protection of Certain Actions to the Department of Environmental Protection" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-398) (H. P. 958) (L. D. 1206)

Bill "An Act Concerning the Income Requirements for Class A Restaurants under the Liquor Statutes" —

Committee on Liquor Control reporting "Ought to Pass" as amended by Committee Amendment "A" (H-380) (H. P. 1296) (L. D. 1567)

Bill "An Act Relating to Suspension of Employees of State Institutions with Pay Pending Disposition of Criminal Charges" (Emergency) — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-381) (H. P. 266) (L. D. 313)

Bill "An Act to Provide for State Reimbursement of Local School Administrative Units Which Send Pupils to Secondary Vocational Schools Located Outside of Maine" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-386) (H. P. 1213) (L. D. 1527)

Bill "An Act Requiring Employers to Give Employees a Written Statement of the Reason for Termination of Employment" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-401) (H. P. 1167) (L. D. 1523)

Bill "An Act to Extend the Statute of Limitations on Claims under the Workmen's Compensation Statutes where Payments are made on Account of Injury" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-402) (H. P. 1236) (L. D. 1541)

Bill "An Act to Increase the Statutory Limitation on the Accumulation of Tax Revenues in the Maine Coastal Protection Fund to Ten Million Dollars" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-400) (H. P. 1126) (L. D. 1403)

Bill "An Act Concerning Off-duty Court Appearances by State Police Officers" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-392) (H. P. 1387) (L. D. 1692)

No objections being noted the above items were ordered to appear on the Consent Calendar of May 20 under listing of the Second Day.

Consent Calendar

Second Day

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

Bill "An Act to Provide for Regulation of Insurance Holding Company Systems" (C. "A" H-367) (H. P. 462) (L. D. 578)

No objection having been noted at the end of the Second Legislative Day, was passed to be engrossed and sent to the Senate.

Tabled and Assigned

Bill "An Act to Change the Participation of Employees in the Classified Service in Political Campaigns" (C. "A" H-364) (H. P. 1041) (L. D. 1331)

On the request of Mr. Rolde of York, was removed from the consent calendar.

On motion of Mr. Rolde of York, tabled pending acceptance of the Committee Report and tomorrow assigned.

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" (C. "A" H-361) (H. P. 1564) (L. D. 1872)

Bill "An Act to Redefine the Term 'Payable in Instalments' under the Maine Consumer Credit Code" (C. "A" S-148) (S. P. 61) (L. D. 178)

Bill "An Act to Reassign the Functions

of the Department of Commerce and Industry and the Office of Energy Resources" (Emergency) (C. "A" S-133) (S. P. 440) (L. D. 1456)

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

Second Readers

Tabled and Assigned

Bill "An Act Relating to Deferral Charges under the Maine Credit Code" (S. P. 198) (L. D. 684)

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

(On motion of Mrs. Clark of Freeport, tabled pending passage to be engrossed and specially assigned for Wednesday, May 21.)

Bill "An Act Establishing the Lewiston-Auburn Airport Authority" (H. P. 1580) (L. D. 1881)

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

(On motion of Mrs. Berube of Lewiston, tabled pending passage to be engrossed and specially assigned for Wednesday, May 21.)

Amended Bills

Bill "An Act Relating to Issuing of Fishing and Hunting Licenses" (S. P. 458) (L. D. 1512) (S. "B" S-153)

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) (C. "A" H-362)

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

Tabled and Assigned

Bill "An Act to Create a Full-time Board of Environmental Protection" (H. P. 931) (L. D. 1175) (C. "A" H-365)

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

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

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

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

(On motion of Mr. Connors of Franklin, tabled pending passage to be engrossed and specially assigned for Wednesday, May 21.)

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) (C. "A" H-340)

Bill "An Act to Promote the Orientation of State Employees in the Functions and Purposes of State Government" (H. P. 1289) (L. D. 1582) (H. "A" H-339) to (C. "A" H-370)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were passed to be

engrossed as amended in concurrence and the House Papers were passed to be engrossed as amended and sent up for concurrence.

Passed to Be Enacted

An Act to Provide for the Transcription of Testimony Taken in the Investigation of Consumer Complaints in Order to Protect Constitutional Rights (S. P. 339) (L. D. 1127)

An Act to Establish the Uniform Disclaimer of Transfers under Nontestamentary Instruments Act (H. P. 875) (L. D. 1049)

An Act to Establish the Uniform Disclaimer of Transfers by Will, Intestacy or Appointment Act (H. P. 877) (L. D. 1051)

An Act to Revise Certain Statutory Provisions for the Licensing of Boarding Homes and Day Care Facilities (H. P. 864) (L. D. 1073)

An Act to Increase the Fine for Molesting Traps (H. P. 1143) (L. D. 1437)

An Act Prohibiting the Shooting of Hunting or Sporting Dogs (H. P. 1157) (L. D. 1451)

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

Enactor

Tabled and Assigned

An Act Exempting Members of Maine's Indian Tribes from the Atlantic Salmon Fishing Stamp Fee (H. P. 1376) (L. D. 1707)

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

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

An Act Relating to the Game of "Beano" and "Bingo" (H. P. 1277) (L. D. 1755)

An Act Authorizing and Directing the Department of Health and Welfare to Propose Certificate of Need Legislation (H. P. 1573) (L. D. 1878)

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

Orders of the Day

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

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

Tabled — May 15, by Mr. Stubbs of Hollowell.

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

The SPEAKER: The Chair recognizes the gentleman from Hollowell, Mr. Stubbs. Mr. STUBBS: Mr. Speaker, I move that this item lay on the table for two legislative days.

The SPEAKER: The Chair hears objection. The Chair will order a division. If you are in favor of tabling for two legislative days, you will vote yes; those opposed will vote no.

A vote of the House was taken. 75 having voted in the affirmative and 25 in the negative, the motion did prevail.

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

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

Tabled — May 15, by Mr. Talbot of Portland.

Pending — Motion of Mr. Carey of Waterville to Indefinitely Postpone Bill and Accompanying Papers.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I was just about to ask to table this until later in today's session pending an amendment I had prepared, but I see the amendment is just coming across the desks, so if I may speak to it briefly.

I have prepared an amendment, the substance of which you either have now or will be getting in a moment, so I will offer it at this time.

Thereupon, Mr. Wagner of Orono offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-403) was read by the Clerk.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "B" I prepared in response to the reservations some members expressed last week about hardships evolving upon existing facilities in some cases and this bill specifically exempts department stores, supermarkets in excess of the space requirement, that is the 10,000 square feet requirement below which all facilities are exempt, which are presently on their own septic tank systems and do not have access to municipal sewerage.

This eliminated a grandfather amendment; it would not exempt all existing facilities because I think to do so would gut the intent of the bill, which is to require a measure of responsibility to provide restroom facilities for the public in large retail outlets.

I have called the City of Portland, the City of Bangor in the last couple of days and inquired as to how many retail outlets of over 10,000 square feet would not have access to the existing municipal sewerage, and I was informed by the health departments in both those cities that they could think of none so I think this is a reasonable compromise.

There is another element that I found in talking to the State Department of Health and Welfare that I was unaware of previously and that is that some two years ago, I believe, previous state requirements, which required that some protection for employees was superseded by federal regulations, the Occupational Safety and Health Standards Act of 1974, which is the only present regulation regarding employees, this doesn't deal with the public, but it is something to consider here, I think, in that this is, in effect, a move backwards. It is a less stringent requirement than previous state law and it says basically, that in manufacturing facilities that employ 20 workers, up to 20 workers, they are only required to have, I think, one toilet in a place with a door on it and there is virtually no employee requirement for retail outlets, even including supermarkets. Health and Welfare does not have the manpower at this time to inspect any retail outlets. They are concentrating on manufacturing outlets

and this is all within an employee framework.

I would hope that if we were able to pass this bill with the amendment, that this would have a satellite fallout effect of improving restroom facilities for employees who are working in grocery stores and so on.

I would hope that you will vote against indefinite postponement so that we may consider this amendment. Some time ago in this House, we had a number of members who were so enthusiastic in their consumer advocacy that they were wearing buttons that said "Protect the Interest of Maine People." I would hope that you would vote against indefinite postponement so that you would not be cast in the position of subverting the interest of Maine people. That is SIMP, so please don't be a SIMP, please vote against indefinite postponement.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I was about to mention that, that obviously the amendment would be the pending motion.

The gentleman from Orono, Mr. Wagner, has mentioned that this grandfathers and, in fact, it does not offer any grandfather clause. The amendment that I might offer would have a grandfather clause, if we get that far, and I would only point out again that this bill, except for the vote of the House Chairman of the Committee, who out of common courtesy, because he had failed apparently to make provisions to have somebody take his place when he, himself, was to take the place of the gentleman from Orono, Mr. Wagner, at the hearing, felt that in his heart that he should ask Leave to Withdraw. Now, of the 13 members of the committee, there were 12 who had decided upon an "Ought not to Pass." This might give you some indication of what will happen to this bill after it leaves this chamber. Some of you have already said that it is getting late in the session, I won't spend too much more time with you on this except to say that its chances are extremely slim from this point on, and I would move indefinite postponement of this amendment. Should that motion fail, I would then ask for my amendment to be adopted, which would be the true grandfather clause and if that happens to pass, I would hopefully move for indefinite postponement of the entire bill, even with my own amendment on it. I hope that you indefinitely postpone this amendment and then we can get back to the motion which was before us, the indefinite postponement of the bill.

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

A vote of the House was taken. 60 having voted in the affirmative and 42 in the negative, the motion did prevail.

The SPEAKER: The pending question now before the House is on the motion of Mr. Carey of Waterville to indefinitely postpone the Bill and all its accompanying papers. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 66 having voted in the affirmative and 45 in the negative, the motion did prevail.

The Chair laid before the House the third

tabled and today assigned matter:

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

Tabled — May 15, by Mr. Rolde of York.
Pending — Adoption of House Amendment "B" (H-131)

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: The amendment. I am presenting (H-131) would help those towns, Old Orchard Beach included, that operate public comfort stations for the convenience of transients. Over many years, our town has operated restrooms with pay toilets to help with the cost of maintenance, supplies and two attendants, one for each section.

There has always been at least one free toilet in each section and whenever anyone enters with a child, the attendant is instructed to unlock one of the doors so that there will be no waiting around.

I feel that this amendment would not hinder this L. D. at all, a free one will still be available. If this bill goes through as is, the town will no doubt close the facility entirely due to the expense involved. The other towns would no doubt do likewise.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I move for indefinite postponement of House Amendment "B" and would like to speak to my motion.

If we start amending this bill, we are going to flush it right down the drain, so I hope you do not go along with this amendment. I believe that it is a good bill the way it is. I received over a thousand letters on this bill; I received about 300 dimes in the mail, and I even received a letter from a person in Bronx, New York asking me to run for President of the United States, but I wrote back and said that I would decline the nomination.

I feel that this is a good bill. I don't see why we should go in these places, buy merchandise, and then get stuck and have to go to the bathroom and have to pay a dime. I have been caught in those contraptions and I am telling you, it is quite a feeling. I don't want to debate this bill too long, on Monday morning especially, so I hope you will go along with my motion.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: This would not change anything as far as different stores having free toilets. It would just pertain to those towns who have the facilities, there would still be free ones, they wouldn't have any trouble.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I support the gentleman from Solon, Mr. Faucher's motion to indefinitely postpone. At the beginning of the regular session, just a few months ago, I, too, was going to put in this very same bill until I heard through the grapevine that somebody else was going to put it in and my reasons behind putting a bill like this in was because of Old Orchard Beach, because when I take my four girls down to Old Orchard Beach, if you have girls you know what that means as far as restrooms are concerned. I would hope that you would indefinitely postpone the House Amendment "B" and pass this bill as it stands now.

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

A vote of the House was taken.

Thereupon, the gentleman from Solon, Mr. Faucher, requested a roll call vote.

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

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

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

Mr. DAM: Mr. Speaker, I can't seem to find my House Amendment. Could someone explain briefly what it does?

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

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: It reads, "this section shall not apply to any municipally-operated restroom facility which contains at least one free public toilet." The Statement of Fact says, "this section shall not apply to any municipality operating restrooms" — the same thing. It wouldn't hurt the other part of the bill at all.

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

Mr. TALBOT: Mr. Speaker, I would like to pose a question through the Chair. Seeing where Old Orchard Beach has thousands of people though the summertime, could the young lady from Old Orchard Beach tell me how many free toilets they do have?

The SPEAKER: The gentleman from Portland, Mr. Talbot, has posed a question through the Chair to the gentlewoman from Old Orchard Beach, Mrs. Morin, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: In this particular facility, there is 12 or 13 on each side, one side for males and one for females, so about 24 plus and it is right down in the downtown area. It is very convenient and if this bill does go through, I don't imagine we would keep it open because it would cost at least \$16,000 or more to keep the two attendants, the maintenance, supplies going, so I doubt if they would keep it open.

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

ROLL CALL

YEA — Bennett, Berry, P. P.; Birt, Burns, Call, Carpenter, Connolly, Cooney, Cote, Dam, Dow, Drigotas, Faucher, Finemore, Garsoe, Gray, Greenlaw, Hall, Hinds, Hughes, Jensen, Kelleher, Kennedy, LaPointe, Lunt, MacEachern, Mahany, Martin, R.; McBreairty, Mills, Mulkern, Nadeau, Norris, Peterson, T.; Pierce, Powell, Raymond, Rideout, Rollins, Shute, Silverman, Smith, Spencer, Stubbs, Talbot, Teague, Tierney, Tozier, Tyndale, Usher, Wilfong.

NAY — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berube, Blodgett, Boudreau, Bowie, Bustin, Byers, Carey, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cox, Curran, P.; Curran, R.; Curtis, Davies, Doak, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Flanagan, Goodwin, K.; Gould, Henderson, Hennessey, Higgins, Hobbins, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Joyce, Kany, Kauffman, Kelley, Laffin, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, Mackel, MacLeod, Martin, A.; Maxwell, McKernan, McMahon, Miskavage, Mitchell, Morin, Morton, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Post, Quinn, Rolde, Saunders, Snow, Snowe, Sprowl, Strout, Susi, Tarr, Theriault, Torrey, Truman, Twitchell, Wagner, Walker, Winship.

ABSENT — DeVane, Fraser, Gauthier, Goodwin, H.; Hewes, Laverty, LeBlanc, Webber.

Yes, 51; No, 90; Absent, 8.

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

Thereupon, House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

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

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I know there has been a lot of joking about this bill, but I would like to relate to you my first experience with the pay toilet situation. I then lived in Millinocket, had five children, three girls and two boys, and we went down to do our Christmas shopping, got into one of the major department stores and in about five minutes the 3 girls were doing the Highland Fling and the two boys were doing the Irish Jig. I said, what ails you fellows? Well, we have got to go to the bathroom. I said, well, it is just over there, go to it and I will wait for you. They went in and they come out on a dead run and said, Daddy, we have got to have dimes to get in there. My Scottish ancestry coming through, I fished out 2 dimes and I said to the oldest girl, now, after you have been in there and come out, whatever you do, don't slam the door until your next sister gets in and so on. I told the oldest boy the same thing, so I got five in for 20 cents. It is quite an embarrassing thing for any parent with a family of young children to hit one of these places and I hope that you stay with this bill and it will be one way of getting rid of the gentleman from Solon, Mr. Faucher, because he then can run for President of the United States.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I support the bill as offered by the gentleman from Solon, Mr. Faucher. I will just pass something along to you that I heard in the news about two weeks ago on a Friday night. There is legislation presently pending in the United States Congress to withhold federal funds; I believe this is the way it came across the news, to withhold federal funds for any development that will include pay toilets. So, Mr. Faucher

has a counterpart somewhere in the Congress of the United States who believes this way. If the bill passes no federal funds will be allowed to be used in a development, containing pay toilets.

Mr. Faucher of Solon requested a roll call vote.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I just rise briefly to explain my position on this bill. I am going to vote against indefinite postponement and vote for this bill, but I do so with a heavy heart and I will say why. I feel in the course of this debate that the members of the House have missed the point of this legislation and the whole area of public restroom legislation. All the comments have dealt with the inconveniences of having to go to pay toilets and work around them. I feel the intent of the House is to provide free public restrooms in areas of public congregation. I think that was the point of my bill which was recently killed here a few minutes ago.

I am afraid that by passing this present bill to abolish pay toilets, many merchants in municipalities will simply close their toilet doors and there will be less public restrooms, pay or no-pay available to the public. I am voting for this bill understanding that that may happen and hopefully that there will be a large enough public cry against this situation that maybe next session we can come back and pass a bill which would require responsible management of shopping centers and municipalities so that we will have free public restrooms available.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I think when we talk about closing down all of those establishments that have toilets in them because of this bill, I think that needs to be clarified. As I understand it, at least when I was cooking, you can't open a restaurant door unless they have got a toilet in it. I think that needs to be clarified a little bit. All these facilities will not shut down because of this bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Hampden, Mr. Farnham, spoke of the federal government. If the members had read their last bulletin that came on what is happening in the other state legislatures, they would see that this is not something new to Maine, this is something that is happening in the other states. There is legislation, I think it was in eight states that has either enacted it or is pending to outlaw the pay toilet. So, this is nothing new in Maine and personally I think it is a good bill and we are taking a step in the right direction.

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 Biddeford, Mr. Lizotte, that the House indefinitely postpone Bill, "An Act

Concerning Pay Toilets," House Paper 663, L. D. 837, and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Bowie, Call, Curran, R.; Farley, Garsoe, Jackson, Lizotte, Lovell, Lynch, Mackel, Martin, A.; Raymond, Tarr, Twitchell.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Davies, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Leonard, Lewin, Lewis, Littlefield, Lunt, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Sowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Teague, Theriault, Tierney, Torrey, Tozier, Trueman, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

ABSENT — DeVane, Gauthier, Goodwin, H.; Hewes, Laverty, LeBlanc, Webber.

Yes, 15; No, 127; Absent, 7.

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

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

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

Senate Report — "Ought to Pass" as amended by Committee Amendment "A" (S-138) — Committee on Local and County Government on Bill "An Act Repealing the York Harbor Village Corporation" (S. P. 468) (L. D. 1563). In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-138).

Tabled — May 15, by Mr. Leonard of Woolwich.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-138) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

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

Tabled — May 15, by Mr. Stubbs of Hallowell.

Pending — Acceptance of Committee Report.

On motion of Mr. Stubbs of Hallowell, retabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 21.

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

House Report — "Ought to Pass" as amended by Committee Amendment "A" (H-341) — Committee on Business Legislation on Bill "An Act Relating to Property Insurance under the Maine Consumer Credit Code" (H. P. 1201) (L. D. 1496)

Tabled — May 15, by Mrs. Boudreau of Portland.

Pending — Acceptance of Committee Report.

On motion of Mrs. Boudreau of Portland the Report was accepted and the Bill read once. Committee Amendment "A" (H-341) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act Creating the Post-Secondary Education Commission of Maine" (S. P. 344) (L. D. 1160) (C. "A" S-134). In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-134).

Tabled — May 15, by Mr. Davies of Orono.

Pending — Passage to be Engrossed as amended by Committee Amendment "A".

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: An amendment has been prepared but has not yet been distributed. I wonder if someone would be kind enough to table this until later in today's session.

Thereupon, on motion of Mr. Davies of Orono, retabled pending passage to be engrossed and later today assigned.

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

An Act to Provide for Supervision of Election by Municipal Clerks" (H. P. 907) (L. D. 1106). In Both Houses, passed to be engrossed as amended by Committee Amendment "A" (H-191) as amended by House Amendment "C" (H-274), thereto.

Tabled — May 15, by Mr. Birt of East Millinocket.

Pending — Motion of Mr. Carter of Winslow to Indefinitely Postpone Bill and accompanying Papers.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would not vote for the indefinite postponement of the bill. I do have an amendment prepared that will take out the word "selectman" and put in "municipal officers," as the gentleman from Winslow wanted last week. That was a misunderstanding, I think, between the two of us.

This is a good bill, it is a bill that would let the clerks have the supervision of the elections and it would also make the appointment of the warden subject to the approval of the municipal officers. For that reason, I would hope that you do not indefinitely postpone.

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

Mr. CARTER: Mr. Speaker, Ladies and

Gentlemen of the House: I would hope that you would go along with my motion to indefinitely postpone this bill.

The amendment that the gentleman from Skowhegan, Mr. Dam, intends to offer still does not satisfy my objections to the bill. You have heard me speak before about home rule and how I feel this is inconsistent with the views in regard to home rule.

It seems to me that the solution to this problem is to leave the present law as it is. We are, in fact, going to, if we allow this bill to become law, change the present situation that is going to affect 419 communities, simply because one warden did not perform his duties as he should have done. I submit to you that the proper recourse in this thing is if a warden does not perform his duties is to report it to the proper authorities and have it taken care of in that fashion, not to change the law. Changing the law is not going to solve one iota. If a clerk appoints a warden and the warden does not perform his duties, you will be in the same position. You will accomplish nothing except waste time and money by changing the law. I would hope that you would go along with the motion to indefinitely postpone.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I guess now I have got to get down to the nitty-gritty. Last week, the good Representative from Winslow objected to the word selectmen and said he would have to have municipal officers — this I have done.

Now, as far as home rule, this is not taking away any home rule at all. In title 30, as well as Title 21, this explains how the elections are conducted. The thing that the clerks would like to have is statutory authority to oversee the elections. This was unanimously adopted at the Maine Clerk's Association meeting, the Maine Municipal Association takes no position on the bill, neither for nor against.

What is happening now, and as the clerks see it and as it was explained to me, when the ballots come in from the Secretary of State or from the printer, they come to the clerk. The clerk is responsible for the ballots. After the election, these ballots come back to the clerk and the clerks are responsible again. Yet, during this interim period there is very little supervision of the clerk over the election. They feel that since they are handling this, there should be that supervision and make one person responsible.

We have had amendments to this, it has been tabled for quite a while and the good lady from Portland, the House Chairman of the Election Laws Committee has done some work on this and I have worked with her on it and we thought that we had come up with a good amendment except for the word selectmen and then we changed that to municipal officers. This does not take away home rule, in fact, it strengthens the election process in the communities.

As it so happens, now getting down to the nitty-gritty, of the 413 small towns in this state, the clerks, the majority of those clerks attend the Maine Clerk's Association meeting, approved clerk, and there is a distrust evidently between the two political parties, that this where the problem lies, in one town and not 413.

I would ask today that we do not indefinitely postpone this bill, but that we kill that motion so that we can back it up and put the amendment on to put the word municipal officers in place of selectmen,

and this would make the wardens subject to their approval.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call one thing to your attention. It has been pointed out that Maine Municipal didn't take any action on this thing, neither for nor against. I submit to you that if it had been submitted to the selectmen of the 419 communities involved, I am sure that they would have gone against this bill. As the facts are, it was not brought before them.

The good gentleman from Skowhegan seems to feel that we distrust our clerk, far be the point. We have no qualms with our clerk. If we did, the clerk wouldn't be there. My problem is that we are going to cause my community unnecessary expenditures to go back to the people and change our charter. When we became incorporated, we became incorporated under the laws of the state as they exist and we left this open, and currently the councilmen of the community act as wardens in the elections, the same way that municipal officers or selectmen in the towns act when any election occurs in their community. Adopting this law is not going to change anything. The responsibility is still going to lie with the warden. The warden, in this case, will be appointed by the clerk. It really accomplishes nothing, and I would hope that you would go along with the motion to indefinitely postpone.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question here. The way that the city of Westbrook has always been run, and in my opinion we have the best city clerk in the state, he always handles the elections. He is responsible to the municipal officers, he is responsible to the mayor and to the city council, he is in charge of all ballots, he is in charge of the entire city election, it is his responsibility. Now, reading this over and compared to what we have in Westbrook, I can't see any difference in this law and I would like to have somebody explain this to me if this is going to benefit or not, because I am very interested in this and I really just can't see the difference in it.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, poses a question through the Chair to any member of the House who cares to answer.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: In the city of Westbrook or in any city, this law will not affect them at all, as long as your election laws are run by your city charter. This is only for the towns.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that the House indefinitely postpone Bill, "An Act to Provide for Supervision of Election by Municipal Clerks", House Paper 907, L. D. 1106, and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 81 having voted in the negative the motion did not prevail.

Thereupon, on motion of Mr. Dam of Skowhegan, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I move the rules be further suspended for the purposes of reconsideration.

The SPEAKER: The gentleman from Skowhegan moves that the rules be suspended for the purpose of further reconsideration. The Chair hears objection. The Chair will order a vote. If you are in favor of the rules being suspended you will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

Thereupon, on motion of Mr. Dam of Skowhegan, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" as Amended by House Amendment "C" thereto was adopted.

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

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

House Amendment "D" to Committee Amendment "A" (H-375) was read by the Clerk and adopted.

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

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

Bill "An Act to Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State (S. P. 205) (L. D. 695). — In House, Passed to be Engrossed as Amended by House Amendment "A" (S-102) and "B" (S-128), in non-concurrence, May 9. — In House, Receded, Adopted Senate Amendment "A" (S-102) and "B" (S-138).

Tabled — May 15, by Mr. MacEachern of Lincoln.

Pending — Adoption of House Amendment "B" (H-348)

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

Mr. CONNERS: Mr. Speaker, I don't know whether I am in the proper procedure here or not of the amendment. I wasn't here that afternoon and was that amendment adopted to the bill?

The SPEAKER: The Chair would advise that House Amendment "B" has not been adopted but Senate Amendment "A" and "B" has been adopted by this body.

Mr. CONNERS: Mr. Speaker, would my procedure be to wait until you have adopted the amendment?

The SPEAKER: The Chair would inquire what position the gentleman wishes to take?

Mr. CONNERS: Mr. Speaker, It is in the classifying of a dump. It is a minor amendment.

The SPEAKER: The Chair would advise the gentleman, is he wishing to offer an amendment or is he wishing to kill an amendment?

Mr. CONNERS: Mr. Speaker, neither one. I think I had better have the

amendment adopted or let the House adopt the amendment and then I will speak to the bill.

Thereupon, House Amendment "B" was adopted.

The SPEAKER: The pending question now before the House is the passage to be engrossed of L. D. 695 as amended by Senate Amendment "A" and "B" and House Amendment "B" thereto.

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

Mr. CONNERS: Mr. Speaker, you said that we killed Senate Amendment "A"?

The SPEAKER: The Chair would advise the gentleman that we adopted Senate Amendment "A".

Mr. CONNERS: Mr. Speaker, I would like to make the motion of indefinite postponement of this bill and all its accompanying papers. I would speak briefly to my motion.

The SPEAKER: The gentleman may proceed.

Mr. CONNERS: The classification of a dump is any place, a hole in the ground or on top of the ground, where we have storage of waste and in unorganized townships there are hundreds of these, and I have a lease from a paper company and in the agreement in this lease is that I can have a hole in the ground or any place where I can put my waste as long as it doesn't pollute the water source. Also, on the books, even today, under the law, anyone that wants to close a specific dump can make application to the Inland Fish and Game Department. They will hold a public hearing after due notice and take the testimony and then close this dump if the testimony has warranted it, so this can all be taken care of without even any part of this bill. If this bill is passed, I think we should have a fiscal note on this if we do not indefinitely postpone this bill and its accompanying papers, we should have a fiscal note on this because we have thousands of these dumps which will have to be posted — be the cost of the posters and the posting of each dump thereof and back on a lot of these roads where camp spots, authorized camp spots from the Forestry Department, there are small dumps back on these wood roads so every hunter that takes his firearm and goes into the woods for any hunting whatsoever can leave himself wide open for arrest, because I will say that probably two or three of every five roads has a dump on it and this is the problem with this and I hope that you will go along with me on indefinite postponement.

The SPEAKER: The Chair would advise the gentleman from Franklin, Mr. Conners in reference to the fiscal note that Senate Amendment "A" that was adopted by bodies, says that the posting shall be marked by the county commissioners of the counties involved and the boundaries shall be designated by such and as a result no fiscal note is required.

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

Mr. TIERNEY: Mr. Speaker, I would like to pose a question through the Chair to anyone who feels confident to answer. I note that this bill in regards to hunting in areas near dumps and unorganized territories and I would like to ask someone whether this bill affects in any way the time-honored Maine tradition of going down to the dump on a Saturday afternoon and shooting rats.

The SPEAKER: The gentleman from Durham, Mr. Tierney has posed a question

through the Chair to anyone who may answer.

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

Mr. CHURCHILL: Mr. Speaker and Ladies and Gentlemen of the House: This bill appeared before our hearing and the only thing this bill was intended to do was to stop people from shooting bear on dumps in unorganized territories and, evidently, the people are coming in from out-of-state and they go around in the unorganized territories wherever there is a dump and they sit around or climb a tree and wait for a bear to come and if it is a small bear, they shoot it and leave it there, we've been told, if it's a good sized bear, they will take it back home with them. This was the only thing this bill was intended for and there was an amendment put on to define these dumps in unorganized territories and what Mr. Conners, I hate to contradict him, but I can't see that has any connection with what this bill intended to do to start with.

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

Mrs. POST: Mr. Speaker, I have a question to pose through the Chair, a parliamentary question I would believe. If Senate Amendment "B" strikes out everything after the amending clause and before the Statement in Fact, does that, in fact, strike out Senate Amendment "A"?

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, has posed a question through the Chair. The Chair would advise the members of the House that the Senate Amendment "A" was adopted which amended the bill on April 29. On May 9, Senate Amendment "B" was adopted which struck out everything after the amending clause and before the Statement of Fact and inserted the following: so as a result it did not strike out the Senate Amendment "A" so "A" and "B" thereto are still intact because it struck out everything after the amending clause and the amending clause was Senate Amendment "A" so that it is on the bill. Then following that, the gentleman from Lincoln, Mr. MacEachern offered House Amendment "A" in which he amended the bill by inserting at the end before the Statement of Fact which kept the two amendments alive so, at this point, Senate Amendment "A", Senate Amendment "B" and House Amendment "B" thereto are all part of the bill.

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

Mr. CONNERS: Mr. Speaker, I will be very brief. This bill, if it passes, if there are any people in this House that go hunting, take a firearm, I don't care what firearm it is, you step out your camp door or you go on any woods road in unorganized townships with your firearm, whether that firearm is loaded or not, and any of the hunters are not that familiar with that territory, are not going to know whether there is a dump on that road or not and this closes all of the dumps to hunting, not just bear hunting, but to all hunting and carrying of a firearm, if your ammunition is in your pockets this is prima facie evidence of hunting, when you walk, and if I leave my camp or a lot of camps and you walk down that woods road and there is a dump there, you are open to arrest under this. We already have a regulation that when this bill was put in, it was put in for the purpose of closing certain dumps to where people were

watching bear. This was what I had understood, that this was where people were watching bear and that some young fellas or old fellas, I don't know, but a couple of them came up in a car and they shot a bear off that dump in front of the people there, and this dump, under the present law, can be closed or any dump like this that the county government wants to close or the people within the town or township would like to close. We do not need this law. It is already being done under the Fisheries and Wildlife Department and I urge you to vote for Indefinite Postponement of this, and this would take away, in unorganized townships, the right of hunting rats as Mr. Tierney asked in unorganized townships and plantations.

On motion of Mr. Usher of Westbrook, tabled pending the adoption of House Amendment "B" until later in today's session.

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

House Divided Report — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Public Utilities on Bill "An Act to Clarify the Fuel Adjustment Clause under the Public Utility Laws" (H. P. 1086) (L. D. 1366)

Tabled — May 15, by Mrs. Najarian of Portland.

Pending — Motion of Mr. Kelleher of Bangor to accept Majority "Ought Not to Pass" Report.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The subject matter that this bill concerns is a fuel adjustment clause. I am the sponsor of this bill. With the exception of the bill, which the gentlewoman from Bridgton, Mrs. Tarr sponsored, exempting sales tax from the fuel adjustment charge, I am not aware of any other bill introduced in this legislation dealing with this matter. Yet, there isn't one person in this legislature, very few people in the state, who haven't been painfully aware of the economic burden which the fuel adjustment charge has placed on Maine people in this past year. On a number of occasions, the fuel adjustment clause has been the object of some heated remarks by some members of this House. The gentleman from Woolwich, Mr. Leonard, was the only person who signed the minority "Ought to Pass" report. That may signal that it is a bad bill, but I disagree and would ask you to turn for a minute to L. D. 1366 and read the bill with me. The bill is only five sentences long and it says very shortly, and I shall quote "in calculating the fuel adjustment clause, the Public Utilities Commission shall not permit, to be used in any way the cost of fuel, used to generate electricity which would have been generated by a nuclear facility which has been inoperative or off-line for more than 20% of the time in a 36 months immediately preceding the calculation of the fuel adjustment clause. Before I proceed any further, I wish to make it very clear that while this bill would affect CMP because they are the only operative and nuclear facility in Maine, it is not with vicious motives that I have introduced this bill. Rather, it is an attempt to redress a problem which Maine people have had to face involving the energy crisis. What this bill does is to place the burden of increased costs of fuel on the company rather than

the consumer, in the event that the additional cost of fuel results from an inoperative or an off-line nuclear power plant. The industry says that it takes three years to work out the bugs in a nuclear plant. CMP has indicated, and it was co-operative at the hearing on this bill, that the performance of nuclear power plants should be operational 80% of the time. The bill adopts that standard in that if it is inoperative for more than 20 percent of the time, the added cost of fuel to produce electricity is paid by the company and not by the consumer. When Maine Yankee was down last summer, some of the out-of-state power was purchased from Fitchburg, Massachusetts according to CMP's legislative agent. It was generated from fossil fuel plants and, as such, Maine people wound up paying the increased cost of fuel. What protection or guarantee do Maine people have, when Maine Yankee shuts down? Why did Maine Yankee purchase nuclear power which would not have caused the increase in the fuel adjustment clause? In conclusion, Maine's consumers, in no way, control either the decision to rely on nuclear power or control the operation of nuclear power plants. Why should Maine's citizens be required to pay for the failures of nuclear technology? In this bill, we are accepting CMP's word that Maine Yankee can be relied upon 80 per cent of the time and I might parenthetically insert here, that Maine Yankee presently is operating at a upratio capacity of between 90 and 95 percent. Maine Yankee will not have been operating for three years until December 1975, so this law would not have prevented last year's huge fuel adjustment increase. However, if this bill had been in law, it might have saved Maine rate payers between 2½ to 3 million dollars. I am most anxious to hear your opinions on the subject. If there is some way this bill can be amended to accomplish the intended objective of putting some controls on the fuel adjustment clause, I will certainly be most receptive and I would hope that a minimum we might accept or might defeat the Majority "Ought Not to Pass" Report today, put it on second readers and perhaps some amendments to clarify this bill could be offered at time to make this bill workable. I would be most appreciative of that.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I question legislation of this type because what we are, in effect doing, encouraging Central Maine or any other nuclear facility to operate at times when they might not do it, if they didn't have the penalty imposed upon them. Certainly we want nuclear facilities to operate safely and we don't want to penalize them if they take advantage of down time to make corrective action.

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

Mr. SPENCER: Mr. Speaker and Ladies and Gentlemen of the House: I signed the "Ought Not to Pass" report on this bill because I felt that the bill, as drafted, did not properly address itself to the problem which Mr. Greenlaw was attempting to reach. As the bill is now written, if the nuclear power plant were shut down, more than 20% of the time over a three year period, then none of the added costs of purchased electricity could be passed on to

the consumer through the fuel adjustment clause. It is my impression from talking with him since then, that his intent was only to restrict passing on the electricity which was purchased to make up for the electricity which was not generated above the 20%. I spoke with people on the staff of the Public Utilities Commission and they felt there was a need to clarify the method by which they would calculate and determine which electricity was purchased as a substitute for the power that would have been generated by the nuclear facility. The basic idea of this bill, I think is good, and at the present time, with the fuel adjustment clause, if a nuclear power plant shuts down and is inoperative, the added costs are automatically passed on to the consumer so that, in effect, the utility is not taking any substantial risks by building a nuclear power plant which may, where the technology may not be far enough developed to assure that the plant will be operational most of the time. In Vermont, they have had a great deal of trouble with one of the plants over there and by automatically passing on the increased costs, the utility is completely assured from the risks of building a plant which may not be properly engineered. I think that there is a good idea in back of this bill and I have discussed it with Mr. Greenlaw and he has indicated that he would be willing to attempt to make some changes in the bill to clarify what it does so that I will vote against acceptance of the "Ought Not to Pass" Report in order to keep the bill alive so that he will have the opportunity to amend it.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: The intentions of the bill that we have here before the House this morning is indeed good, but you can see by the report, that it seemed to be unworkable as far as the committee was concerned. I might stress that CMP or Maine Yankee makes up one-third of CMP's potential electricity as well as one-third hydro and one-third oil-fired and the three, in themselves are pro rated in an attempt, from what I understand from the PUC Commission as well as from Central Maine Power, to give an evenly rated change of costs to the consumer. Maine Yankee is operative, as Mr. Greenlaw has indicated, 94 percent of the time, and unlike Mrs. Tarr's bill, which does, under the fuel adjustment clause, give a million dollars tax break back to the consumer, and it is very clear, hopefully, that this legislature will pass some money to fund that. It is my opinion that this bill, with all its intentions, is not workable, and I urge the House to support the Majority "Ought not to Pass" Report.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House accept the Majority "Ought not to pass" Report. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Greenlaw of Stonington requested a roll call vote.

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

A vote of the House was taken, and more

than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I was the only signer of the minority report and it has been expressed here on the floor that this bill has considerable merit; however, it should be amended to make it more workable.

I heard both sides in the committee, and maybe through lack of intelligence, I am not really sure what it is, but no one could seem to convince me or explain to me why it is unworkable. Certainly in any business, whether it be in a public utility or private enterprise or whatever, there is a certain amount of risk put on the business. In the case of Maine Central or Maine Yankee, they have made predictions on the on line time. They have forecasted the time that they will be on line, but there is no penalty for them to vary from that prediction.

I think it is only fair that the consumer protection in this area, that Maine Yankee certainly has a certain amount of responsibility, and if they can't live up to their promises, or whatever you want to call them, then certainly they should be penalized and not the consumer.

So I urge you to go along with — vote against the motion to accept the "ought not to pass" report so we can keep it alive for just a short time. If it can't be amended, I will be the first to vote against it, but I think it can be, I think it is workable, and I hope we vote to keep the bill alive today.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: It was earlier this year that I noticed, looking at my electric bill, that it had just about doubled, and most of that, as I understand it, was attributable to the fuel adjustment clause. I have heard the gentleman from Stonington say that this particular problem that he is trying to deal with cost Maine consumers about two to three million dollars. I would wonder what percent of this increase in the fuel adjustment clause was attributable particularly to the failure of Maine Yankee? Also, if we defeat this bill, whether this could not happen again in the future, and also, how would it affect the proposed nuclear plant that CMP wants to build at Sears Island, just what effect this would have on the fuel adjustment clause in the future? Also, mention has been made of Mrs. Tarr's bill, which I certainly supported but which is going to cost a million dollars and which is on the table now, and it certainly is problematical as to whether the people of Maine will have that kind of relief from the type of bill that she has put in.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone who might answer it. The question is this. If the power company is going to be asked to pay in these circumstances, how is that going to save the rate payers anything when that will have to go back into the rate base?

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I will try to answer Representative Morton's question. I think here we are not dealing with the basic rate; we are dealing specifically with the fuel adjustment clause.

My concern is, and perhaps I can indicate a little more of my parochial interest, we have a small power company that serves the residents of Stonington and Deer Isle, on the island of Deer Isle, and the Public Utilities Commission allows them to pass on the fuel adjustment clause in one lump sum, one monthly sum because the cash flow situation rather than the usual method, which is that it be apportioned over a three-month period. So in the month of January, my constituents were faced with paying fuel adjustment clause bills that equaled or exceeded the base rate. I am talking about sixty, seventy, eighty, ninety dollar fuel adjustment bills on top of the base rate.

What I am trying to address strictly in this bill is the question of added costs of fuel which is used to generate electricity that normally would have been generated by a nuclear power plant. CMP at the hearing indicated that they do believe that a nuclear power plant can be on line 80 percent of the time.

I can remember very well when the good gentleman from Bangor and I and others went down to Wiscasset in March, that they told us, I think, that CMP was operating at, I believe, 93 or 94 percent of their operational capacity at the time, and this is fine.

I think from the work that I have done on this bill, I seem to find out that Maine Yankee has a much better operating record than most other atomic plants in the country. It seems to me that the break-even point on whether or not an atomic power plant is going to cost less for the consumers appears to be if the power plant can be operational 70 percent of the time. If it is less than that, then the generation of electricity by other methods is probably going to be less expensive.

And I would just reiterate that what I am trying to deal with through this bill is the question simply of the fuel adjustment clause and whether the rate payers should have to pay the additional burden of the cost of fuel when a nuclear power plant is down more than 20 percent of the time over a three-year period.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We have on many occasions during this session expressed concern for industry and business of all sorts, farmers. Now the state of the nuclear generating area is still one to be improved upon, and I think if Central Maine is able to operate, as the gentleman from Stonington has just mentioned, I think they are to be commended, but I certainly don't think that they ought to be encouraged to operate unsafely at any time simply because they are going to be penalized.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, 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.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.:

Berry, P. P.; Berube, Birt, Boudreau, Bowie, Burns, Byers, Carey, Carter, Cox, Curran, R.; Curtis, Dam, Doak, Durgin, Dyer, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Higgins, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Joyce, Kany, Kauffman, Kelleher, Kelley, LeBlanc, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, McBreairey, McKernan, Mills, Miskavage, Morton, Nadeau, Norris, Palmer, Peakes, Perkins, T.; Peterson, P.; Pierce, Powell, Quinn, Raymond, Rideout, Saunders, Shute, Silverman, Snow, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Truman, Usher, Walker.

NAY — Bachrach, Bennett, Blodgett, Bustin, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Curran, P.; Davies, DeVane, Dow, Drigotas, Farley, Finemore, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Jacques, Jensen, Kennedy, Laffin, LaPointe, Leonard, MacEachern, Martin, A.; Martin, R.; Mitchell, Morin, Mulkern, Najarian, Pelosi, Peterson, T.; Post, Rolde, Smith, Snow, Spencer, Talbot, Tierney, Torrey, Tozier, Twitchell, Tyndale, Wagner, Wilfong, Winship.

ABSENT — Bagley, Dudley, Faucher, Gauthier, Goodwin, H.; Hewes, Laverty, Lewin, Maxwell, McMahon, Perkins, S.; Rollins, Theriault, Webber.

Yes, 76; No, 59; Absent, 14.

The SPEAKER: Seventy-six having voted in the affirmative and fifty-nine in the negative, with fourteen being absent, the motion does prevail.

Sent up for concurrence. (Later reconsidered)

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

On motion of Mr. Connolly of Portland, the House reconsidered its action whereby the Majority "Ought not to pass" Report was accepted in non-concurrence on Bill "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools," Senate Paper 476, L. D. 1609.

On motion of the same gentleman, tabled pending acceptance of the Majority "Ought not to pass" Report and later today assigned.

Mr. Farnham of Hampden moved that the House reconsider its action whereby An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs, House Paper 1491, L. D. 1739, was passed to be enacted.

On further motion of the same gentleman, tabled pending his motion to reconsider passage to be enacted and later today assigned.

The Chair laid before the House the following matter:

An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine, (H. P. 1128) (L. D. 1404) which was recalled from the Governor by Joint Order.

Mr. Birt of East Millinocket, moved that the House reconsider its action whereby the Bill was passed to be enacted.

On motion of the same gentleman, tabled pending his motion to reconsider passage to be enacted and later today assigned.

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

Mr. KELLEHER: Mr. Speaker, I move that the House reconsider its action of earlier in the day whereby it accepted the Majority "Ought not to pass" Report on Bill "An Act to Clarify the Fuel Adjustment Clause under the Public Utility Law," House Paper 1086, L. D. 1366.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House reconsider its action whereby the House accepted the Majority "Ought not to pass" Report on L. D. 1366.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I don't want to debate this matter any further. I ask you simply if you would be kind enough to vote for reconsideration and perhaps someone could table this so that I could see, in conjunction with a couple members of this body, if I might be able to prepare an amendment that could be distributed tomorrow to see if this bill would be more acceptable. I would appreciate it if you would vote for reconsideration.

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

Mrs. TARR: Mr. Speaker and Members of the House: I would like to just pose a question. Would this be permissible to maybe report this back to committee and we could take another look at it?

The SPEAKER: The Chair would advise the gentlewoman that if the motion to reconsider would prevail, the motion to recommit would be in order.

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

Mr. HENDERSON: Mr. Speaker, I request this item be tabled for two legislative days.

Thereupon, Mr. Kelleher requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Henderson, that this matter be tabled pending the motion of Mr. Kelleher of Bangor to reconsider and specially assigned for Wednesday, May 21. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Kelleher of Bangor requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from

Bangor, Mr. Henderson, that this matter be tabled pending the motion of Mr. Kelleher of Bangor to reconsider and specially assigned for Wednesday, May 21. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Blodgett, Boudreau, Call, Carpenter, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cote, Curran, P.; Curtis, Davies, Dow, Drigotas, Farley, Faucher, Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hutchings, Jackson, Jacques, Jensen, Kany, Kennedy, LaPointe, LeBlanc, Leonard, Lizotte, MacEachern, Mackel, Martin, A.; McMahon, Mitchell, Morin, Mulkern, Najarian, Peakes, Pelosi, Peterson, T.; Post, Powell, Rolde, Saunders, Smith, Snow, Spencer, Talbot, Tarr, Tierney, Torrey, Tozier, Truman, Wilfong, Winship, The Speaker.

NAY — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Bustin, Byers, Carey, Churchill, Conners, Cox, Curran, R.; Dam, Doak, Durgin, Dyer, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Higgins, Hinds, Hunter, Immonen, Ingeneri, Joyce, Kauffman, Kelleher, Kelley, Laffin, Lewis, Littlefield, Lovell, Lunt, Lynch, Mahany, McBreairty, McKernan, Mills, Miskavage, Morton, Nadeau, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Rideout, Shute, Silverman, Snowe, Sprowl, Strout, Stubbs, Susi, Teague, Twitchell, Usher, Walker.

ABSENT — Bagley, Bennett, DeVane, Dudley, Gauthier, Goodwin, H.; Hewes, Jalbert, Laverty, Lewin, MacLeod, Martin, R.; Maxwell, Rollins, Theriault, Tyndale, Wagner, Webber.

Yes, 64; No, 68; Absent, 18.

The SPEAKER: Sixty-four having voted in the affirmative and sixty-eight in the negative, with eighteen being absent, the motion does not prevail.

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

Mr. KELLEHER: Mr. Speaker, out of due deference to my good friend from Stonington, I agreed to table this bill for two days so that he could get his notes. He never suggested to me that he had any amendments, he never attempted to present any amendments before this body for you to look at this morning. I urge this House to not vote for my motion to reconsider and let the vote stand as it was.

Thereupon, on motion of Mr. Rolde of York, tabled pending the motion of Mr. Kelleher of Bangor to reconsider and later today assigned.

Mr. Kelleher of Bangor was denied permission to address the House, there being objection.

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

After Recess 4:00 P.M.

The House was called to order by the Speaker.

(Off Record Remarks)

Mr. Kelleher of Bangor was granted unanimous consent to address the House.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: There was an unfortunate incident that happened this morning as the Speaker has so indicated to

you here. This afternoon, very shortly after the session adjourned, Mr. Martin called me into his office and privately we had a conversation concerning the matter. I might indicate to the Speaker of this House and to the other members in this House that there are no hard feelings from Seat 121. We all realize that sometimes the heated debate and the actions of us on the floor and us members that are on the floor and sometimes even the Speaker himself can be questioned, so I would just like to get the air cleared as far as I am concerned about what happened this morning.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: In the same spirit of the prior two speakers, I would like to make this one comment for the records.

Earlier this session, in what was referred to as the first partisan issue to reach the floor of the House, an amendment was offered to House Rule 10 which, in our opinion, would have given the Speaker the ability to be a great deal more arbitrary in his selection as who would speak first. We argued that rules are made to protect the minority; not only the minority party, but those who might find themselves in a philosophical minority, or those who would represent a different view than those of the Chair.

I stand now to briefly confirm our belief in the position that the Chair should have the power necessary to firmly control the House, but that that control should be procedural only and according to the rules. When a matter of procedure becomes a matter of substance to any individual legislator in that he or she might not have the opportunity to express their view, the Chair should, within the rules, give every opportunity to that legislator to be heard.

We would all like to adjourn early and I must commend our Speaker for his expeditious control of this House. But in our representative form of government, if a member is silenced by an inadvertently or consciously arbitrary decision from the Chair, and we do not bring it to the immediate attention of all the members, then we are all guilty of contributing to a form of government neither envisioned nor sanctioned by this State's citizens. The Speaker is to rule in matters of procedure, not substance, and any conflict should, if possible, be resolved in favor of a member being heard.

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

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

Tabled — May 15, by Mr. Palmer of Nobleboro.

Pending — Passage to be

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

House Amendment "A" (H-406) was read by the Clerk

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

Mr. HIGGINS: Mr. Speaker and Members of the House: Very simply, what this does is exempt construction companies who would have cause to temporarily house their vehicles on a site where they might be building a road or

constructing a building or something like that and have given them a 24-month exemption from this, and I would hope that this amendment would help in passage of this bill at the other end of the hall. I think it pretty well explains it in a Statement of Fact.

Thereupon, House Amendment "A" was adopted.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I have opposed this bill all along. I would like to start out my very brief remarks acknowledging a comment that was made earlier when we were debating this bill, and that is that the town of Pittsfield, my home town, is a beneficiary of the present system and inasmuch as on balance, they would do better under the present circumstances than they would under this bill, and I want to plead guilty of this fact. This is true, although it isn't too obvious what the effect of this bill would be on any community.

For those of you who have forgotten what the bill does, this bill would provide that equipment and vehicles would be taxed where customarily kept rather than where the owner resides and so if this change were put into effect, for instance, in my town, I think it would be quite difficult across the state, we would, with the implementation of this change, if the bill were to become law, pick up considerable amount of equipment which we don't now get, such as telephone company trucks, Central Maine Power Company trucks, we have bread company, Nissen trucks that are housed in town, we have Webber Oil Company trucks, their home office is in Bangor but they house several of them in town, so it would be difficult to assess what the change would be for any particular community unless you knew exactly.

What disturbed me and still disturbs me about this bill, and I never thought to mention this before here on the floor, but at the hearing on the bill, the state president of the Assessor's Association appeared against the bill on the basis of the difficulty to administer if you make this change, and to put my objection in the briefest possible form, I think it would sum up to this: that under the present setup an assessor has a clear responsibility to administer the taxes on the residents of the community of which he is the assessor, and if you make this change, it is going to open up just a myriad of considerations beyond what we can ever imagine here as to where this very mobile equipment that is on wheels, that rolls, it's here now then it's somewhere else another time, who has the responsibility to assess this property? I think that the bill is just fraught with hazards in this direction and I still have great reservations about it, and in the face of this, I can only move for indefinite postponement of the bill.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would all vote against indefinite postponement. I am not quite sure where to begin. The gentleman has brought up a problem that may exist but I submit to you that exists now if it would exist in the future. Partnerships and foreign corporations now pay their excise tax in towns where they customarily house their vehicles. Now, why would it be any more so than to say the same to domestic

corporations? I don't think the problem exists; if it does, there would be people in here from foreign corporations and partnerships who would want this law repealed saying that we cannot determine what customarily housed is.

Well, I had the Attorney General draw me up an amendment that would, in fact, remove this problem to some extent, but I think it would be even harder to administer it. The Attorney General's Office gave me an amendment that said "customarily-kept or customary place of keeping shall mean that place in Maine where a motor vehicle is garaged or parked more days for the longest period each 24-hour day during the last 30 days prior to the payment of the excise tax or if the motor vehicle has not been excised in Maine for the previous year by the same owner in the place in Maine where it will be garaged or parked more days for the longest period each 24-hour day during the next days after payment of the excise tax, "etc., etc., etc."

Just to try to define "customarily-housed" it is just darn close to impossible, and I just submit that you are going to have to go on the businessman and the assessor sitting down and saying "what are you customarily housing here in Pittsfield, Scarborough, South Portland, or Bangor?" And they are going to have to submit the records back to that individual and say "These are the ones that we're customarily housing here". There's not going to be any proof, you're just going to be going on good will and on good judgment and good sensibility, and I don't think that we should sit down and try to write a law. This law that I got from the Attorney General is great but it provides for so much book work that I can't foresee anybody even wanting to comply with it. I just think we have to go on good faith and live with everybody's good judgment on what is customarily kept. So I definitely oppose the motion to indefinitely postpone and I would hope that you all vote against it.

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

Mr. CAREY: Mr. Speaker, nobody can appreciate more what the gentleman, Mr. Higgins, is trying to do. We have a lot of telephone trucks housed in Waterville, have a lot of bakery trucks, but particularly, we have a Central Maine Power outfit in Waterville that would have a lot of trucks. My main concern with this bill, and this is why I would support Mr. Susi, is that the gentleman keeps referring to good will on this whole matter and I am afraid what is going to happen is we are going to be pitting town assessor against town assessor, and we're going to have more problems. I would love to have that revenue but, unfortunately, I don't believe we can do it and keep the good will that the gentleman intends us to have.

Mr. Palmer of Nobleboro requested a roll call vote.

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

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

Mr. Higgins of Scarborough was granted permission to speak a third time.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think the first

time was on the amendment, but thank you anyway.

I don't want to belabor it any more. I think I have said all I can say. When this bill came for its first reader, I appreciate those of you who helped me out in passing this and I would hope that you would continue to support it. All I am asking for is fair play and I am saying that if a company has vehicles housed in that particular town on a permanent basis and those vehicles are used in that particular town's road and the services of the town that they should receive some just compensation. I would hope that you would all defeat the motion.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would hope the House would defeat the motion to indefinitely postpone this bill. The gentleman from Scarborough has gone to great extent to make everybody happy with this. After all, if these vehicles are housed in these communities, they are entitled to the tax and I think they ought to receive it. I would hope that you go along and defeat the motion to indefinitely postpone this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that this Bill and all its accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berry, P. P.; Carter, Cox, Curran, R.; Dam, Drigotas, Fraser, Henderson, Hennessey, Hunter, Ingeneri, Jalbert, Kauffman, Kelleher, Lynch, Norris, Powell, Silverman, Stubbs, Susi.

NAY — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cote, Curran, P.; Curtis, Davies, Doak, Durgin, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hewes, Higgins, Hobbins, Hughes, Hutchings, Immonen, Jackson, Jensen, Joyce, Kany, Kelley, Kennedy, Laffin, LaPointe, LeBlanc, Lewis, Littlefield, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Martin, A.; Martin, R.; Maxwell, McBrearty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

ABSENT — DeVane, Dow, Dudley, Dyer, Garsoe, Gauthier, Hinds, Jacques, Laverty, Leonard, Lewin, Mahany, Peakes, Theriault, Webber.

Yes, 21; No, 113; Absent, 15.

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

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

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

Bill "An Act to Authorize the Board of Registration in Medicine to Conduct Medical Education Programs" (S. P. 430) (L. D. 1417)

Tabled — May 15, by Mr. Rolde of York.
Pending — Passage to be Engrossed.
Mrs. Post of Owls Head moved this matter be tabled for two legislative days.

Thereupon, the gentleman from South Berwick, Mr. Tierney, requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Owls Head, Mrs. Post, that this matter be tabled pending passage to be engrossed and specially assigned for Wednesday, May 21. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
93 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

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

An Act to Provide for the Appointment of Deputy District Attorneys (S. P. 321) (L. D. 1098)

Tabled May 15, by Mrs. Najarian of Portland.

Pending — Passage to be Enacted.
On motion of Mr. Burns of Anson, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-120) was adopted.

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

House Amendment "A" to Senate Amendment "A" (H-315) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I am prompted to offer this amendment to insure professional District Attorneys or Assistant District Attorneys, at least one for each county. This may be the wrong time to offer such an amendment in view of what is happening in one of the District Attorney areas. However, in Somerset County, it is working out very well and unless we can come up with some additional funds for our prosecutor, we may be losing him, because he cannot stay where he is with the monies that he is getting. Therefore, I have offered this amendment. Since he has taken over, we have handled over some 346 cases within our Superior Court. We have less than 70 to deal with. Now, I am speaking now only from the 1st of January when they took over. There have been 11 persons go to the State Prison, have had 10 trials with 9 convictions. This is an outstanding record compared to what has happened in the county prior to this. I urge you to adopt this amendment.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of that original report, and I notice our committee chairman is not in his seat, I have some reservations on Mr. Burn's proposal. I concur wholeheartedly that many of our professional prosecutors should have more money but I wonder if this is the proper bill to do it on.

The bill itself was designed to alleviate what is rather an administrative shortcoming in many District Attorney offices in that there is no one who may sign for the District Attorney himself while he is away and, as I remember, we accepted this in State Government Committee based on that fact that there would be no cost involved and I would be very much afraid that Mr. Burn's amendment might possibly have some cost implications which, perhaps, should not be addressed in this bill, perhaps in another vehicle, but I am not exactly positive and I would, therefore, appreciate it if someone would table this for a day or so and we have had a chance to talk to Mr. Coombs.

Thereupon, on motion of Mr. Carpenter of Houlton tabled pending adoption of House Amendment "A" to Senate Amendment "A" and tomorrow assigned.

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

Bill "An Act to Authorize the Appropriation of Funds for Full-time County Administrators (H. P. 919) (L. D. 1132)

Tabled — May 15, by Mr. Gauthier of Sanford.

Pending — Adoption of House Amendment "B" (H-349)

Thereupon, House Amendment "B" was adopted.

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

Mr. KELLEHER: Mr. Speaker, I offer House Amendment "C" to L. D. 1132 and move for its adoption and would speak to my motion.

House Amendment "C" (H-371) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment that I have offered here this afternoon simply exempts Penobscot County from the general bill and I would urge that the House accept this amendment.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: While I have no objection to any particular county, I know that there are at least about four here about to be offered, while I have no objection to any particular county or section in the state being exempted from this bill, it is not even my own bill, I would hope that the people offering amendments have checked with the County Delegation to see if this is the will of the County Delegation or if this is just a personal thing.

This bill is permissive legislation, it doesn't give the County Delegation any great power but, as I said, I am not irrevocably tied to this bill, I still have a bill of my own in committee waiting, but I would like to get this bill on the books. It will allow something for some of the counties to meet it. I have no objection to the counties exempting themselves, but I would hope that the County Delegations have been polled.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Particularly to my good friend from Houlton, I think you will learn this afternoon here, Mr. Carpenter, that any member of the House

who would offer an amendment such as this, although he or she may not have polled the delegation, the delegation themselves, because of their independence, will certainly express their support one way or the other for the amendment. I am not sure that the other counties have been contacted asking the delegation to make a vote on it, but I would suspect if there was any objections from any member from Penobscot County, that they would so express themselves before this House.

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

Mr. CAREY: Mr. Speaker, there are going to be several amendments offered. I did not prepare one for Kennebec County, and I would hope that you can add this amendment to the bill and then if the Chair would recognize me before other amendments are offered, I would move indefinite postponement of the bill and all its accompanying papers.

Thereupon, House Amendment "C" was adopted.

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

Mr. CAREY: Mr. Speaker, I would now move indefinite postponement of this bill and all its accompanying papers in the interest of saving time where there are so many amendments to be offered.

The SPEAKER: The gentleman from Waterville, Mr. Carey, now moves that this Bill and all its accompanying papers be indefinitely postponed. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Dam of Skowhegan requested a roll call.

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

A vote of the House was taken, 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 Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I feel as though I should say something, since I cast the original objection to this piece of legislation. The gentleman from Houlton has amended it and there are several members before this body now that say that any county that doesn't want to get in or participate on the county administrative post doesn't have to.

Rest assured, even before these amendments were brought before this body, any legislative delegation can do this now.

What we are saying with these amendments and with killing this bill, as it stands, that nobody, no county, if they decide to, can have a county administrator. I assure you that it is the will of the delegation the way the statutes are for county government, you can do this, whether you kill this bill or not. All we are doing is allowing a county administrator for certain counties or delegations who want it. Are we here to judge what members of the 108th or 109th or the 110th Legislature want to do?

I would ask that we vote against indefinite postponement of this bill. Some

counties want this. Let them. If your particular town doesn't want it, the next time the legislative delegation, the 108th or the 109th, it is up to that delegation, not this body here to make this decision. I would ask that you defeat the motion to indefinitely postpone this bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: What the amendment did originally, it authorized the commissioners to actually create this position of county administrator with the approval of the county legislative delegation.

Secondly, although several of the counties now have county administrators, unless there has been something set up in the statutes for allowing this authority, they can be granted actually very little authority by the commissioners. The next thing the amendment does, or the bill now, because the amendment is on the bill, it sets up qualifications that the commissioners must follow when they hire a county administrator and those qualifications were taken from the same section of the statutes that the qualifications for town managers were taken.

It is true that some of the counties evidently don't want county administrators but, it is also true that several of the counties do have them now and they still want to retain them, so I would hope that we would not indefinitely postpone this bill, that even with the amendments being offered to limit or prohibit several specific counties, it would still allow the other counties that wanted it to have the county administrator.

What the second amendment did, the one Mr. Carpenter presented, it took out the objection that was registered with the original one where the county commissioners' pay was going to be reduced by one half to not less than \$1,500. Now it leaves it up to the County Delegations to work with the commissioners and adjust the pay of the commissioners accordingly, if they hire a county administrator, but this is a move in the right direction, to put a business man in there and take over these duties and to spell out mainly what the qualifications of that man or that person, man or woman, would have to be in order to become a county administrator.

I would hope that we do not indefinitely postpone the bill.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This movement of mine wasn't to kill this bill because I talked with one of the county commissioners recently, he was here to a delegation meeting or meeting with the County Government last Friday, and he simply stated that he didn't feel that our county, Hancock County, was large enough with 34,000 population to warrant a county administrator. The members that I talked it over with, we didn't feel there was enough work for one either. This would leave the door open possibly in the future for some county commissioners to step in and hire one at their own whim. He also felt, and the ones that I talked with, that we can come back in the next session or the special session, anytime, and put in a bill that would allow us to do this on a county by county basis, but I had no intention of killing Mr. Carpenter's bill and if you wish to keep it alive, that is perfectly all right,

but I do want to amend it to exempt Hancock County.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I think all of you are very familiar with the big battle that we have just gone through in the preparation of county budgets and all I ask you to do when you vote on this thing is to ask yourself, do you feel that you want to add still another person to the county payroll at a time when, first of all, county taxes are going up tremendously in many counties, and mine is included in that, at a time when we have bills before us to study the structure of county government as such? I would like to point out that while this is left in the hands of the legislative delegation, it is not the legislative delegation that will end up paying the taxes on this and if anybody should have some say as to whether or not we have county administrators, it should be those people, in each and every town having one vote. They don't have that as such, it is left in the hands of the legislative delegation. I would certainly hope that you do support the motion to indefinitely postpone. This bill, unfortunately, has not come at the right time.

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

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I haven't noticed that any members of the Cumberland County Delegation have gotten up to oppose this bill but I am not going to oppose it. I think we feel that it has substantial merit for two reasons, and I would just like to cite a couple of illustrations from our own experience.

In our own county, we understood that we would have a surplus in 1974. Instead of that, we wound up with a deficit of nearly a \$100,000. I tend to feel that if we had had a good administrator working with us, this would not have happened. We discovered that the commissioners do not know or did not know from one month to the next how each department of county government was doing. If they had had a business administrator, it seems to me, they would have known.

Finally, in looking at the county payroll, we discovered that it seems to be a habit of commissioners and of other county functionaries to feel that the only people who were capable of doing a job for the county are their relatives. So, I think the fact that Mr. Carpenter's bill sets up qualifications for business administrators is a solid step forward. Therefore, I hope that you would not vote to postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: This particular piece of legislation hits upon something that your county has been confronted with for the last five months. It seems that our county commissioners went on and hired a county administrator without consultation with the York County Delegation. It was almost the unanimous consent, with the exception of one, not to fund that position.

What we are doing here this afternoon is saying that members of the York County Delegation — heaven knows, there would be 21 new ones here in the 108th Legislature. Are we going to make provisions for that delegation?

I hope that we vote against the motion to indefinitely postpone.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have waited three months for Mr. Snow to get up and when he did, he said the wrong thing.

I spoke on this bill and I am from Cumberland County and I said I wasn't going to speak on it anymore. He defended the county commissioners by saying that if we had a full-time administrator that probably we could have saved money. He is taking the blame off them and that is where the blame belongs, on the county commissioners. You give them assistants and they aren't going to do anything. They don't do anything now and it is costing the City of Westbrook double in our taxes and it is going to cost Portland and every town and city in our county and I say, don't give them anything else, let's make them do with what they have got and cut them down. I am against this.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If we had a good administrator, we wouldn't need the commissioners.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Waterville, Mr. Carey, that this Bill and all its accompanying papers be indefinitely postponed and a roll call has been ordered. If you are in favor, you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Berry, P. P.; Berube, Birt, Boudreau, Bowie, Byers, Call, Carey, Carter, Chonko, Churchill, Conners, Connolly, Cooney, Cox, Curran, R.; Davies, Drigotas, Durgin, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Hennessey, Hewes, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jensen, Joyce, Kany, Kauffman, Laffin, LaPointe, Lewis, Littlefield, Lizotte, Lynch, MacEachern, MacLeod, Martin, A.; Maxwell, McBreairty, Miskavage, Mitchell, Nadeau, Najarian, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Quinn, Raymond, Rolde, Rollins, Saunders, Shute, Silverman, Snowe, Spencer, Strout, Stubbs, Teague, Tierney, Tozier, Truman, Twitchell, Tyndale, Walker, Wilfong.

NAY — Albert, Bagley, Bennett, Berry, G. W.; Blodgett, Burns, Bustin, Carpenter, Carroll, Clark, Cote, Curran, P.; Curtis, Dam, DeVane, Farley, Farnham, Faucher, Gray, Henderson, Higgins, Immonen, Jackson, Jalbert, Kelleher, Kelley, Kennedy, LeBlanc, Lovell, Lunt, Mackel, Mahany, Martin, R.; McMahon, Mills, Morin, Mulkern, Palmer, Pelosi, Peterson, T.; Powell, Rideout, Smith, Snow, Sprowl, Susi, Talbot, Tarr, Torrey, Usher, Wagner, Winship.

ABSENT — Doak, Dow, Dudley, Dyer, Garsoe, Gauthier, Hinds, Jacques, Laverty, Leonard, Lewin, McKernan, Norris, Peakes, Theriault, Webber.

Yes, 80; No, 52; Absent, 17.
The SPEAKER: Eighty having voted in the affirmative and fifty-two in the negative with seventeen being absent, the motion does prevail.

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

Mr. SILVERMAN: Mr. Speaker, I move for reconsideration and ask you to vote against my motion.

The SPEAKER: The gentleman from Calais, Mr. Silverman, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill and all accompanying papers was indefinitely postponed.

Mr. Finemore of Bridgewater requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Calais, Mr. Silverman, that we reconsider our action whereby this Bill and all accompanying papers were indefinitely postponed. Those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, G. W.; Blodgett, Burns, Bustin, Carpenter, Carroll, Clark, Curran, P.; Curtis, Dam, DeVane, Farley, Faucher, Finemore, Gray, Hall, Henderson, Higgins, Immonen, Jalbert, Kelleher, Kelley, Kennedy, LeBlanc, Lovell, Lunt, Mackel, Mahany, Martin, R.; McBreairty, McMahon, Mills, Morin, Morton, Mulkern, Palmer, Pelosi, Peterson, P.; Peterson, T.; Powell, Rideout, Smith, Snow, Sprowl, Talbot, Tarr, Torrey, Usher, Wagner, Walker, Winship.

NAY — Ault, Bagley, Berry, P. P.; Berube, Birt, Boudreau, Bowie, Byers, Call, Carey, Carter, Chonko, Churchill, Conners, Connolly, Cooney, Cox, Curran, R.; Davies, Drigotas, Durgin, Farnham, Fenlason, Fraser, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hennessey, Hewes, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jensen, Joyce, Kany, Kauffman, Laffin, LaPointe, Lewis, Littlefield, Lizotte, Lynch, MacEachern, MacLeod, Martin, A.; Maxwell, Miskavage, Mitchell, Nadeau, Najarian, Perkins, S.; Perkins, T.; Pierce, Post, Quinn, Raymond, Rolde, Rollins, Saunders, Shute, Silverman, Snowe, Spencer, Strout, Stubbs, Susi, Teague, Tierney, Tozier, Truman, Twitchell, Tyndale, Wilfong.

ABSENT — Cote, Doak, Dow, Dudley, Dyer, Garsoe, Gauthier, Hinds, Jacques, Laverty, Leonard, Lewin, McKernan, Norris, Peakes, Theriault, Webber.

Yes, 54; No, 78; Absent, 17.
The SPEAKER: Fifty-four having voted in the affirmative and seventy-eight in the negative, with seventeen being absent, the motion does not prevail.

Sent up for concurrence.

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

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

Tabled — May 16, by Mr. Silverman of Calais.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted and the bill read once.

Committee Amendment "A" (S-140) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

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

Tabled — May 16, by Mr. Snow of Falmouth.

Pending — Motion of Mr. McMahon of Kennebunk to Indefinitely Postpone House Amendment "A" (H-332).

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

House Order — Relative to Opinion of the Justices as to what Constitutes a Solemn Occasion.

Tabled — May 16, Pursuant to Rule 41.

Pending — Passage.

Thereupon, the Order received passage.

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

Joint Order — Re: Committee on Transportation reporting Bill on Naming East Machias-Machiasport Bridge (H. P. 1598)

Tabled — May 16, by Mr. Rolde of York.

Pending — Passage.

Thereupon, on motion of Mr. Palmer of Nobleboro retabled pending passage and tomorrow assigned.

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

Mr. SNOW: Mr. Speaker and Members of the House, I hope you will vote against the amendment and indefinitely postpone Committee Amendment "A". I would like to speak briefly to the subject. I think the bill which the gentleman from Kennebunk, Mr. McMahon sponsored has some excellent points in it. I think the fact that no Executive Session can be held unless a vote is taken to do so is a splendid thing. I think the fact that the reason for going into Executive Session must be stated is an excellent thing. I am concerned, however, about the seven different reasons for which a public body may go into Executive Session. I think there is a danger in specifying reasons because I think it may be difficult to anticipate all the reasons which a municipal body might choose to go into Executive Session. For example, supposing there is some kind of a civil emergency and it is necessary for the council members or the selectmen to discuss it prior to action, privately, I think they should be able to have an Executive Session on that matter. Under this, they could not have an Executive Session, if they chose to do so, to discuss a problem they might be having with a member of their own council. Now, for that reason, I hope you will favor my amendment which simply says that "and no others". Now, if Mr. McMahon would restrict Executive Sessions to the 7 subject areas which are described in his document, which is L. D. 899, I do not think that municipal bodies should be restricted to these reasons to go into Executive Session. I think the fact that they must declare their reason for going into Executive Session, that they must vote to do so and that they can act on no other matter in Executive Session sufficient restrictions upon them. I am fearful and others who have been involved with me, as newspaper men, are fearful

that the mere designation of subject areas over which a municipal body may go into Executive Session may mean that they will automatically go into Executive Session when one of these subject matters comes up. However, we have not attempted to amend that out of the bill. We merely are attempting by our amendment to give municipal bodies, if you will, the right to go into Executive Session on any subject which they feel that they need to discuss privately. First, they state the reason for the session, they vote on it and they act on no other subject. So I hope you will defeat the motion to Indefinitely Postpone this amendment.

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

Mr. Mc Mahon: Mr. Speaker, Ladies and Gentlemen of the House: As I stated on Friday, this bill is the only "right to know, bill," presently before us. It, and a companion bill, L. D. 1035 together represent an attempt to more clearly spell out what can and what cannot be discussed in Executive Sessions of public bodies. This is accomplished by a listing in the bill, 7 subject areas that I feel might sometimes need to be discussed in private. The decision to go into Executive Session on any of these subjects is not mandatory, however, and the public body may discuss these subjects in open session, if they wish, and if there is no compelling reason for them to go into a closed session. The bill further requires that a motion to go into Executive Session must state the nature of the business to be discussed to the exclusion of any other subject. This bill, if enacted in its present form, will ensure that public officials will have a clear guideline of what they can and what they cannot do in Executive Sessions and it will, most importantly, insure that the public's "right to know" will be honored to the maximum extent possible. Adoption of Mr. Snow's amendment, however, will render this bill little more effective than the present law, since under the present law, it is possible to go into Executive Session for just about any reason. I urge you to Indefinitely Postpone House Amendment "A" and to send this bill along to the other Body.

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

Mr. HENDERSON: Mr. Speaker, Members of the House: As a member of the City Council in Bangor, I have had some experience with this kind of thing and I would like to share some of those with you. I said the other day that I am a strong supporter of Home Rule and that I am, especially when it comes to substantive decisions. When it comes to the procedures by which those decisions are made, I think we have to fall on the side of openness, in this particular case, so that there really is an opportunity for Home Rule that is participation by the people in our communities and the decisions that are made in that community. Now, several years ago, I proposed a bill, an ordinance similar to the one that Mr. McMahon has presented here, for the City Council and there were the traditional, almost, reactions from the small groups of people who make decisions on the feeling that they have greater wisdom than the rest, by raising questions about interference, and that people would be listening in too much and might be disrupting the meetings and all kinds of things and the City Manager was generally of the same persuasion that interfered

with the smooth functioning and administration of things that maybe people ought not to get involved with. Well, as a result of that, I instigated a petition drive which would have led to a referendum and a sufficient number of signatures were gathered, so that the rest of the council saw the light and decided that maybe it was a good idea to have this kind of an ordinance, so we did pass it and we did have the same kind of argument whether restrictions would be a barrier and a problem because we do have specified reasons why we may go into Executive Session and they fall into the same areas, mainly, personnel matters, which are covered in this list, legal matters and consultation on acquisition of property and sort of an economic development kind of thing where a certain degree of confidentiality is necessary. Now since we've had that, in effect, we have had various results. One, is that we have not run into a problem. There hasn't been a situation in which we've found that the restrictions are too tight, we have always been able to deal with them. Number 2, it's been very helpful to people in our community who might have felt that they would like to attend these meetings, the budget meetings, various committee meetings, they never really quite had the gumption to do it, until they realized that they had this kind of a right, so to speak, and it wasn't so much that it was a legal right, it was sort of a moral right that the city was on record, that you and I could walk into these meetings and look at what your council is doing. I think that this kind of thing could very easily be extended to all of the citizens in the state and I don't think it would do any harm, it certainly has not in our case. It is in my judgment the case that Mr. Snow's amendment would, in effect, allow you to go into Executive Session for any reason whatsoever which is the current law and is obviously not the intention of this particular proposal.

Thereupon, the Committee Report was read by the Clerk.

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

Mrs. DURGIN: Mr. Speaker and Members of the House, I rise in support of this bill. Sometime ago in my hometown, Kittery, we had considerable dissention on Executive Sessions that ended up in a very unpleasant court case. I believe passage of this bill will prevent future difficulties in all towns and cities as it clearly defines when Executive Sessions can be held. Two officials from Kittery attended the public hearing on this bill and they are very much in favor of it. We need guidelines, they are in this bill and I hope you will support this very important piece of legislation.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I support the gentleman's bill from Kennebunk. I urge you to vote against the amendment because if you like the bill and vote for the amendment, then forget the bill. The amendment is a very simple one — it removes three words. It might just as well pass for Indefinite Postponement of the bill because it accomplishes the same thing. I have served on a lot of boards and commissions and so forth and on some of these I have been in a position of, perhaps, being on the minority side. As a matter of fact, probably on all of them, I have been in that position. What has happened to me, personally, is that certain people on these boards would want to go into Executive

Sessions to exclude things from becoming public and these things included things that probably should have become public and I have protested, my protest fell on deaf ears like a lot of them do here. I think that I do have a right to attend a meeting as a private citizen and I do have a right to know what is going on and I think in the case of even the legislative work sessions, so-called, that the public does have a right to attend those. They haven't had over the years and I just hope that you won't support the amendment of Mr. Snow.

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

Mr. CAREY: Mr. Speaker, I've been a municipal officer since 1962 and I feel we have lived by what Mr. McMahon has proposed to be the law. It has been fairly much the law in Waterville, anyway, and I would be very much concerned that, we, as municipal officials, could discuss even more than we are already discussing in Executive Session that I would certainly support the motion of the gentleman from Kennebunk, Mr. McMahon to Indefinitely Postpone this amendment.

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

Mr. SNOW: Mr. Speaker, Members of the House: This bill, I believe, had its genesis in the Maine Municipal Association in a committee of which I was chairman. I am supporting the bill. I am also obviously supporting my amendment and I don't know that I should take very much more of your time because there doesn't seem to be many interested in it. However, I would like to point out to you that it seems to me that we are accomplishing one of the objectives of at least the towns and cities represented by the Maine Municipal Association. One of the reasons they were interested in having such legislation as this brought before us is so the reasons for which they could go into Executive Session would be spelled out, would be clear, and would be understood. This bill does that. It says, they may go into Executive Sessions on these subject areas. What bothers me is that we are saying to our towns and cities that you shall not find any other reason to go into an Executive Session. I doubt if many of us will find other reasons. I am a member of a town council in Falmouth. I am also a newspaper man. Personally, I feel that freedom should remain for members of the council or municipal body to select the reasons for which they need to go into Executive Session. They may go on these which Mr. McMahon's bill spells out, that is clarified. They may also go in, if you adopt my amendment, for other reasons and I maintain that it is impossible to spell out in the law all the reasons a municipal body might need to go into Executive Sessions and we should remember that they have to vote, that they have to state the reason that 3/5 of the members of such bodies must vote in favor. Mr. Speaker, I ask that when the vote is taken it be taken by the yeas and nays.

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

Mr. CALL: Mr. Speaker and Members of the House: People are led to believe that news reporters covering meetings such as City Council meetings, let the public know everything that transpires at such a meeting. In the first place, it is impossible for reporters to remember and write down every quote. A city editor may cut much from a reporter's story because of lack of space. This "right to know" business

should be a two-way street but it isn't. People are misled by this myth of "right to know." If anyone wants to know what happens at a meeting, everything of importance can be found in the minutes. The public is not interested in what the news media would lead us to believe the public is interested in. There is nothing wrong with Executive Sessions, but I do not approve of inconsistent news reporting.

In summing up, the people do not learn everything anyway because, as I have stated, the news media does not always send it to them and it is not the people so much who want to know every single thing that goes on, it is the news media and mostly for their own interest. I should know, I was a news reporter myself for more than six years, so my feeling is this, that we should not postpone Mr. Snow's amendment, it is a step in the right direction and our goal should be to eventually stop all this myth of so-called Executive Sessions, it is nothing but a big bluff.

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

Mr. McMAHON: Mr. Speaker and Members of the House: Very briefly, ladies and gentlemen, this bill was originally L. D. 30, which I pre-filed last December. The bill is very much mine. I subsequently withdrew L. D. 30 and with the assistance of the Maine Municipal Association, which I requested, we re-wrote it as L. D. 899, which you see here. I was very happy to have the assistance of the Maine Municipal Association in this particular case since they represent, by and large, the large number of people who will have to operate under this bill but I want to let you know and the good gentleman from Falmouth, that the bill was very much mine, having been a selectman for two terms in my town, I can speak and attest from first-hand experience for the need of this bill.

The SPEAKER: The gentleman from Falmouth, Mr. Snow, requests a roll call. In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 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 Kennebunk, Mr. McMahon, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Drigotas, Durgin, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, LaPointe, LeBlanc, Leonard, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan,

McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Winship.

NAY — Berube, Call, Cote, Curtis, Immonen, Jalbert, Kelleher, Littlefield, Quinn, Raymond, Snow.

ABSENT — Carter, Doak, Dow, Dudley, Dyer, Garsoe, Gauthier, Gray, Higgins, Hinds, Jacques, Laverty, Lewin, Peakes, Perkins, S.; Strout, Susi, Theriault, Webber, Wilfong.

Yes, 118; No, 11; Absent, 20.

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

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

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

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing the Number of Associate Justices of the Supreme Judicial Court" (S. P. 147) (L. D. 510) ask leave to report: that the House recede from passage to be engrossed; indefinitely postpone House Amendment "B" (H-190); adopt Conference Committee Amendment "A" (H-373) and pass the bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from passage to be engrossed; adopt Conference Committee Amendment "A" (H-373) and pass the bill to be engrossed as amended by Conference Committee Amendment "A".

Signed:
Messrs. SNOW of Falmouth
CARPENTER of Houlton
— of the House.

Messrs. MERRILL of Cumberland
CLIFFORD of Androscoggin
COLLINS of Knox
— of the Senate.

Tabled — by Mr. Kelleher of Bangor
Pending — Motion of Mr. Hobbins of Saco to accept the Conference Committee Report.

Thereupon, the Report was accepted. The House voted to recede from passage to be engrossed.

The House voted to recede from the adoption of House Amendment "B" and the Amendment was indefinitely postponed.

Conference Committee Amendment "A" (H-373) was read by the Clerk and adopted and the Bill passed to be engrossed as amended by Conference Committee Amendment "A" and sent up for concurrence.

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

Bill "An Act Creating the Post-Secondary Education Commission of Maine." (S. P. 344) (L. D. 1160) (C. "A" S-134) in Senate, passed to be engrossed as amended by Committee Amendment "A" (S-134).

Tabled — by Mr. Davies of Orono.
Pending — Passage to be Engrossed as amended by Committee Amendment "A".

On motion of Mrs. Kany of Waterville, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-404) was read by the Clerk.

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

Mrs. KANY: Mr. Speaker and Members of the House: The House Amendment before you places two faculty members and two students on the proposed Post-secondary Education Commission. The amendment adds a faculty and student member from the University of Maine system and replaces two of the three private college members with a faculty and a student member from the private colleges. The two faculty and two student members would be appointed by the Governor with the advice and consent of the council.

My own personal preference for the makeup of any commission is not to legislate in the various special interests. But looking at this bill, the thrust of it appears as if special attention was given to including all of the appropriate interest in the composition of the commission.

However, two interest groups whose advice and counsel are of primary importance to the functioning of the body were left out — faculty and students.

In 1975, few post-secondary educational institutions operate without significant participation, in all areas of educational concern, of faculty and students.

The bill itself has a membership topheavy with administrators and trustees. So I hope you will agree with me that input from faculty and students would benefit the proposed Post-secondary Education Commission and hope you will accept this House amendment.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the amendment does quite a bit for the original bill which has been passed to be engrossed, or was passed to be engrossed. By putting a student and faculty member on the University of Maine on this Post-secondary Education Commission provides four representations from the University System, whereas we only have four public members on the commission. By adding a student and a faculty representative from the private college system further upsets this.

I think if we are concerned about student representation, that we are very neglectful in other areas. Perhaps we ought to have a student representative sitting next to the Indian representative so we could have some input from the student population. Perhaps with our concern for drug and alcohol abuse, we ought to have a member of a student body sitting on the Bureau of Alcoholic Beverages. Perhaps we ought to have students elected on our school boards. I think there is an over-emphasis on the student representation. I think they will find as they grow older that they will be completely misunderstood, as most of us over the age of 25 are today. I think probably we have grown a little smarter by knowing what we don't know.

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

Mr. DAVIES: Mr. Speaker and

Members of the House: I rise to support the amendment presented by Mrs. Kany of Waterville. The reason for being of our post-secondary educational system in this state and in every other state of this nation is to benefit the students, the people who attend the universities and other school systems that make up our post-secondary educational system. These are the people it is there for; these are the people who pay their money to participate in that system. I believe that they have every right and every ability to serve on those boards that will be making the major decisions about how that education is going to be carried out tomorrow, next year and ten years from now.

So I would urge that the members of this House support the amendment of the gentlewoman from Waterville and pass this amendment.

Thereupon, Mr. Lynch of Livermore Falls, requested a roll call vote.

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

Mrs. KANY: Mr. Speaker and Members of the House: I would just like to say that coming from Waterville, we have two private post-secondary institutions in our community as well as a vocational-technical institute. Consequently, we have had some discussion and interest in this particular issue in our community, and it seemed to be the general consensus that this is the thing to do in this day and age.

I would like to add just one personal note. My husband is a college administrator, one of the over-represented groups, and a lot of people feel that now students really do have a lot to offer to a group such as this, and it would have to be a full-time student with either the University System or the private colleges.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I really have not had too much information on the bill itself. We have been listening the last few minutes to this amendment to actually the makeup of the commission. I am wondering, something of this magnitude with a price tag of \$75,000, if someone from the Committee on Education would just speak to us for a moment, and I say this most sincerely, as to the reason for the commission itself, without regard to its makeup. I would like to know why we need it, what the advantages are. At this point in time, I haven't heard a word pro or con, and I would like to hear something before I vote one way or the other.

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

Mr. FENLASON: Mr. Speaker and Members of the House: I would merely call your attention to the fact that this post-secondary Education Committee is a long-term committee to develop policy. I would also call to your attention that while students are eager, while they are many times brilliant young people, I feel that they lack the experience and the depth to serve well on a committee of this sort.

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 adoption of House Amendment "A" to Committee Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berube, Boudreau, Bustin, Carey, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Dam, Davies, Farley, Faucher, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jalbert, Kany, Kennedy, LaPointe, Lizotte, McKernan, Mitchell, Mulhern, Nadeau, Najarian, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Saunders, Shute, Silverman, Smith, Snowe, Spencer, Talbot, Tierney, Tyndale, Usher, Wagner, Wilfong.

NAY — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Bowie, Burns, Byers, Call, Carpenter, Carroll, Churchill, Connors, Cote, Curran, R.; Curtis, DeVane, Drigotas, Durgin, Farnham, Fenlason, Finemore, Flanagan, Fraser, Gould, Gray, Hall, Hewes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kauffman, Kelleher, Kelley, Laffin, LeBlanc, Leonard, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McMahon, Mills, Miskavage, Morin, Morton, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Snow, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Walker, Winship.

ABSENT — Carter, Doak, Dow, Dudley, Dyer, Garsoe, Gauthier, Higgins, Hinds, Jacques, Laverty, Lewin, Peakes, Theriault, Webber.

Yes, 52; No, 82; Absent, 15.

The SPEAKER: Fifty-two having voted in the affirmative and eighty-two in the negative, with fifteen being abs the motion does not prevail.

Thereupon, Committee Amendment "A" was adopted.

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

Mr. PALMER: Mr. Speaker, I would now request some members of the Education Committee to speak to this bill. Certainly I am not trying to speak against motherhood, but I would like to know the reason behind it and what it in fact will accomplish, what it is supposed to accomplish for us?

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The Post-secondary Education Commission is the result of the Higher Education Act, Section 1202.

In the 106th, it was called the 1202 Commission, I believe. It is legislation which hopefully will conduct comprehensive planning for all post-secondary education in the State of Maine, to use all the post-secondary facilities to the best advantage. It also has other concerns. It is a state commission as required under Section 1202 of the Higher Education Act as a condition for participation by the state in certain federal programs of assistance to

post-secondary education students and institutions. It serves as a single state agency on federal-state student incentive grants program. It serves as a single state agency to administer community service and continuing education programs authorized by the Higher Education Act. It serves as single state agency authorized to administer the construction of academic facility program authorized by the Higher Education Act. It serves as a single state agency authorized to administer the financial assistance for the improvement of undergraduate construction programs authorized by the Higher Education Act, and it serves as a centralized single state agency for the collection and processing of the Higher Education General Information and Survey for forwarding to the national center for educational statistics, United States Office of Education. And that, in brief, I believe, encompasses the intent of the legislation.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: The bill before us today is a major change in the policy of the future of our education at the post-secondary level or higher university level and vocational schools in our state.

For me to say yes to this bill, I would feel irresponsible. Number one, we now have a super university system and we have a chancellor, board or board of trustees, and this system, in just the administrative end, I think is costing — if I said \$300,000, I am speaking at a low amount.

We also have a State Board of Education that oversees our vocational education institutes, and also it takes care of our secondary and primary education.

Now, if we create this legislation, we are creating a board above both of these at a cost possibly, to start with, of maybe fifty, seventy-five or a hundred thousand dollars. And the principal part of it, it is supposed to somehow save money.

At the meeting of our educators that either would go along with this board or against it, the vote was only about two votes away to vote for it. Then it is put before us, this, what the people of Maine and the educators of Maine want for higher education.

A state commission is not needed, in my opinion, to administer federal programs. The federal law says that the state must establish a commission in order to be eligible for federal assistance for comprehensive planning and for community colleges, occupational education. Only the comprehensive planning program has been and is likely to be funded in the near future. The approximate funds coming to Maine will be \$29,000.

The only other reason under federal law for Maine to have a state commission is to administer the facilities and undergraduate instructional equipment programs, but neither of these programs is now funded, and they may be phased out in this Congress as recommended by the Ford Administration. If for this same reason Maine needs a state commission for these programs, the State Board of Education could perform this function as it has every since 1964 with few, if any, objections to its judgment.

My principal reason for now calling for the indefinite postponement of this bill and all its accompanying papers and asking for the yeas and nays is this — some of us

have worked diligently in the field of vocational education for our vocational educational institutes, and we have had a constant fight to gain funds for students to learn a skill and trade in education, a constant fight opposed by the academics, which our educational system always consisted of until some of us pioneered vocational education. If we put in a State Board such as this, with say 12 members coming from the academic field, one member coming from vocational education, one member coming from the State Board of Education, and one member coming from the public, it is quite a lopsided figure in hoping to keep the same funds going into vocational education.

I would not like to see the vocational education institutes suffer in this state, and I am certain we are all pleased that about 95 per cent of their graduates are receiving jobs, while at the university level, the average is around 42 percent. With that in mind, I hope you will vote for the indefinite postponement of this bill.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Like the gentleman from Nobleboro, I had not really seen this piece of legislation or even knew it was sailing through. It is one of those many ones that appear on calendars and you don't catch up with.

Mr. Silverman is probably right, that what we are dealing with here is a major, very major, policy change. I would not want to vote on his motion or any other motion until I had a couple of days to look at it so I would hope that somebody would table this for two days.

On motion of Mr. Palmer of Nobleboro, retabled pending the motion of the gentleman from Calais, Mr. Silverman, that this bill and all accompanying papers be indefinitely postponed and specially assigned for Wednesday May 21.

Mr. Bagley of Winthrop was granted unanimous consent to address the House.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not usually perturbed or easily perturbed. The fact that I was in education for 46 years, most of it in administration and did it without developing an ulcer probably proves that I am not easily perturbed, but I am perturbed now and not to the state of an ulcer but nevertheless perturbed. It has been going on for some little time and it has to do with the revisions of 1994. We have had the Bangor News Editorial policy right along taking pot shots at it for some time. I got home late Sunday night. I was down in Connecticut over the weekend, where my newest granddaughter was christened and I got home late and I read the Portland paper. The Portland editorial starts off:

"Patched, lame and limping, a much-amended School Financing Act at last made its way into law, after earlier versions had been torpedoed and sunk during stormy passage through gales of bitter public and legislative opposition."

Now, actually, of course, it is just simply a matter of whether we were justified in giving back a little money to those poor towns down on the coast that torpedoed the first attempt.

Late last night I watched the late, late show, where one of our members and an attractive young lady put on a show, and I might add, it was a pretty good show. As a result of all of it, I feel a short speech

coming on. One of the things the paper referred to last night was that this bill runs 17 pages. I don't know if you have looked at the Criminal Code Revision but that runs 156 pages and there are no amendments in yet. So, I expect there probably will be.

You remember during the debate, the first thing that we had was a hearing where the people from Cape Elizabeth all came up. You know what their gripe was, they couldn't spend money enough. We put a ceiling on them, so that was quite different from some of the things that camelater.

There are a few facts—I have a tendency to twit people on facts, and I probably shouldn't, but you know the motto of most of us, myself included, frequently is, my mind is made up, don't disturb me with the facts. I have a few here that I would like to read to you. For instance, I took the figures from the 1972 tax rate based on a 100 per cent evaluation for school purposes. In 1972, the tax rate at Wiscasset was 6.4 mills and in Winthrop, which I represent, was 19.6. Not only was I paying 19.6 mills on my property, I was helping pay the Wiscasset tax every time I paid my light bill. Raymond and Readfield, happened to be adjacent on this list and we had a lot of material from Raymond talking about the poor old retired widows who were having such a jump in their property tax, and the rate in 1972 was 8.2 mills. In Readfield, which is a town just outside here, the tax rate that same year was 21 mills. Now, what about the poor old retired widow who had the misfortune of living in Readfield and are paying 21 mills all these years?

City taxes. The Bangor News hasn't mentioned once, that I have been able to read in all the material about 1994 or its revision, the fact that Bangor before 1994 was paying 17 mills, and under 1994, paid 14 and under our new bill will only pay 13¼. Portland, was paying 16.9 and so forth, you can follow that right down through.

One thing that we hear, and we hear it frequently is the increasing costs, skyrocketing cost was used by one speaker a while ago in regard to school education. The Governor of the State of Maine stood on the podium in this room and said that the school costs from 1971 to 1972 to the requests for 1975-76 had increased 50 percent. So, I got the financial report out of the library for the year 1971-72 and compared it with the proposed budget for 1975-76 and some of the interesting facts are school costs 50 percent; aid to dependent children was 49.6 percent; the Governor Baxter School for the Deaf was up 53 percent; The Maine Maritime Academy, which certainly isn't covered by 1994 was up 53 percent; The Maine State Prison was up 63 percent; Southern Maine Vocational Technical Institute, up 71 percent; Indian Affairs up 78 percent. So actually, I don't think that we can blame total increased costs of education simply on 1994.

The court case between the State of Texas and one of the citizens was referred to on this floor a few days ago, when the court decided that the local government should have more say in regard to financing education. That court was the so-called Nixon court and you may remember that President Nixon's philosophy was that the central government was too big that the powers should be put back on the local level. In other words, President Nixon was the first of the modern Freedom Fighters. I hope that when the Freedom Fighters gather

they bow towards San Clemente, every time they meet. Not only that, that decision was by a five to four vote. You may be interested to know, some of you may, that soon after that there was another five to four vote by the same court which decided that pornography was a local issue and should be settled by the local people. At my age I can take pornography or leave it but it is interesting to note that every since that decision they wondered if pornography in the United States had proliferated, gotten larger, I believe, is a simple definition. So, there is some question in my mind about whether the Supreme Court is always right. We assume they are until some person appoints a new member.

Now, I want to say very plainly, that for 30 or 35 years, I have advocated somewhat equal opportunity in education for the people from the poorer towns. I remember a few years ago I figured up for Kenduskeag and Veazie and using the state evaluation, the people from Kenduskeag taxed themselves four times as high to have \$400 less per pupil to spend on their schools. So equalization of opportunity, equalization of costs has been something I have worked for years. My formula, for years, has been Federal Government 25 percent, local government 25 percent, and State Government 50 percent. I know we are going to have a hard job to squeeze 25 percent out of the Federal Government but I do hope we can increase the state's share somewhere. I am thoroughly in favor of some study, not on the grounds that this thing won't work, not on the grounds that it is too bad that we can't find a finer solution. I was superintendent of school ten years in a row, which meant the Legislature met five years. Each of those five years, I came to Augusta, I talked to the Legislators, I talked to the people in the State Department of Education, I talked with other Superintendents and I went home and guessed how much money I should ask the town for because I didn't know what the Legislature was going to do. That happened year after year. So, it is no different now, the only difference was they didn't give us an extra month or six weeks to make up our mind on our budget after the legislature adopted something. I hope we study this thing, I hope we come up with something good, I am very much in favor of what we have already done, I hope we can make it better.

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

Bill, "An Act to Prevent Hunting in Areas Near Dumps or Unorganized Territories and Plantations of the State." (S. P. 205) (L. D. 695). — In House, Passed to be Engrossed as Amended by House Amendment "A" (H-251), May 6. — In Senate, Passed to be Engrossed as Amended by Senate Amendments "A" (S-102) and "B" (S-128), in non-concurrence, May 9. — In House, Receded, Adopted Senate Amendments "A" (S-102) and "B" (S-128).

Tabled — by Mr. Usher of Westbrook.
Pending — the motion of Mr. Connors of Franklin to indefinitely postpone the bill and all accompanying papers.

Mr. Usher of Westbrook presented House Amendment "A" and moved its adoption.

House Amendment "C" (H-410) was read by the Clerk and adopted.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: A clarification, does this eliminate the posting of the dumps? Does this eliminate Senate Amendment "A" and also my amendment?

The SPEAKER: The Chair would advise the gentleman that this body has not removed House Amendment "A" nor has it removed Senate Amendment "A" and that has been passed in concurrence.

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

Mr. MILLS: Mr. Speaker and Members of the House: The only intent of this bill here is to present an insertion of two words, that is the only intent of this bill. It does not eliminate anything else.

On motion of Mr. Rolde of York tabled pending passage to be engrossed as amended and tomorrow assigned, Tuesday, May 20.

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

Bill "An Act to Establish Job Development, Placement and Followup Services in Secondary Schools." (S. P. 476) (L. D. 1609) In House, Majority "Ought Not to Pass" report of the Committee on Education accepted in non-concurrence.

Held at the Request of Mr. Connolly of Portland.

Tabled — By Mr. Connolly of Portland.
Pending — Acceptance of the Majority "Ought not to Pass" Report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to ask for a Division on the motion.

I would hope that you would vote against the motion "Ought not to Pass," and accept the Minority Report, "Ought to Pass". This bill went through the House very quickly the other day without any debate and I would like to briefly explain to you the idea and the thought behind it. The purpose of the bill is to establish a job development and job placement and followup services in high schools. It would require that all high schools provide training and counseling to high school students who do not intend to further their education by going on to college or vocational school. It would give them skills in learning how to apply for jobs and learning where to go when they want a job, how to fill out applications and how to conduct themselves when they have an interview for a job. The purpose of the bill is to make sure that the educational system would place the same emphasis on those kids who graduate and don't intend to go on to college but intend to go out into the job market as it now places on those kids who go on to college.

Everybody that I have talked with, even those people that have signed "Ought not to Pass" on this report, have told me that they support the bill in principle and concept but they think it is a good idea, they think it is worthwhile and they think it is something that should be required of our schools. They point out two objections, the first being that the bill would mandate or require that every high school would provide this service, and in response to that argument, I would just like to point out that right now we already mandate certain things in our schools. We mandate compulsory attendance, we mandate that certain courses like physical education be

taken by everybody. If we feel that this subject matter, that this service, is worth while enough, then I think that we have an obligation to require that it be promoted in our schools.

The second objection that is raised by opponents to the bill is that there is no cost identified with the bill, and that if the bill is enacted that there is going to be unlimited future costs for the school system. In response to that, I would just point out that what is required in this bills can be carried out through existing guidance counselors in high schools and that there is really no cost. It is really a question of emphasis and whether the school systems are going to say we are willing to emphasize job placement, job training skills as much as we are willing to emphasize training for kids who want to go on to college.

With that, Mr. Speaker, I would like to sit down, but I would hope that all of you would think about the meaning of the bill for those kids who don't intend to go on to college after they graduate from high school and vote against the "Ought not to Pass" Report.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the comments of the gentleman from Portland, Mr. Connolly, and I also appreciate very much the sincerity which he explained this bill. However, everytime I go home from a legislative session, at the end of the session, I have got a very capable superintendent home. He says, well now you have gone and done this, and this is going to cost us more money, and you have gone and done this, and this is going to cost us more money. I am certainly sure that if this bill is put on the books, I am going to get the same kind of a bawling out when I go home this time as I have on several other bills. Undoubtedly this could be done, but I am sure that it won't work out in the way that the previous speaker has indicated that he thinks it will. There are guidelines and there are a number of people and the amount of work that a guidance director can do, and when you exceed that amount, then your requirements, in order to get the federal revenue money matching funds, that you have to put on additional people. This would be putting on an additional work load and I am absolutely certain that there is built-in cost. I would hope you would support the "Ought Not to Pass".

On motion of Mr. Powell of Wallagrass tabled pending acceptance of the Majority "Ought not to Pass" Report, and specially assigned for Wednesday, May 21.

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

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

Held at the Request of Mr. Farnham of Hampden.

Tabled — by Mr. Farnham of Hampden.
Pending — his motion to reconsider.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I move that the House reconsider its action whereby House

Paper 1491, L. D. 1739, was passed to be enacted.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves we reconsider our action whereby this bill was passed to be enacted.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to oppose the motion to reconsider whereby this bill was passed to be enacted.

I read the engrossed copy of this bill over rather carefully to see if I could find out what the opposition to this bill was all about. Aside from re-defining the term "veteran" to mean male or female and extending the same benefits to husbands and fathers that wives and mothers now receive, the rest of the act is designed to give a fairer shake to those veterans most recently discharged, because, presumably, they are the ones most in need of help in securing employment.

One of the changes in this bill relates to preference points for disability. Present practice is to give veterans with a 1 percent disability a 10 point preference. One percent disability may be awarded by the Veterans Administration when there is no functional disability present, but is a guarantee that if one does develop, they can apply for benefits. Clearly, this is unfair to those veterans who do have genuine and serious service-connected disabilities.

The second change limits preference points for the non-disabled veteran to 6 years after discharge unless they attend a school or a rehabilitation program after discharge, and if so, the preference points extend 6 years after completion of the program.

Again, this is to give the advantage to veterans most in need of help, those most recently discharged. I am fairly sure the drafters of the present law didn't intend that a recently discharged Vietnam veteran would have no more advantage in points than a veteran who had been successfully employed for 10, 20, or 30 years. And if a non-disabled veteran can't land a job in six years after discharge, either he or she hasn't made the effort or has very serious problems, in which case, he or she should apply for a disability.

This section also limits the preference points to one-time use, if that one time leads to employment. Unless you limit the use of preference points to one time, a veteran who is already employed by the state and simply desires to change, will have the same advantage as a just-discharged, unemployed veteran. Surely, this was not the intent of the law, though it has often happened. Again, the one-time provision does not apply to disabled veterans, they have unlimited use.

When the state government committee studied the personnel system, many inequities were brought to our attention, the use of preference points being only one. This legislation is designed to give help to those most in need and I hope you'll vote for final enactment.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I hope, ladies and gentlemen, you will reconsider your action on this bill whereby it was passed to be enacted and I would like to give you just a little brief story that goes with it:

In State Government this year, we had

two bills, one of which took away most of the preference points from veterans and we in State Government, in good action I thought, unanimously reported that bill out "Ought not to pass".

Now, we had another bill, which did take away the preference points from retired officers and it was our feeling that an officer that was retired on \$10,000, \$12,000 or \$15,000 a year, actually, probably shouldn't be in competition in the labor market with other veterans or in the employment of state government with other veterans who had no fancy pensions.

The bill came to us, it was a House bill, and we passed that bill which the State Government endorsed. It went over to the other body and the bill which we gave 17-A came back to us as an amendment to the bill we passed. We resisted, sent the bill back and then it came back again anyway and we had a Committee of Conference and the Committee of Conference members from the House were good representatives but, in a sense, they got snowed, so we come back now with a bill that takes away after X-number of years, preference points in the Civil Service System for Maine veterans.

I don't think it was the intent of this body to take away those preference points. Certainly, those who fought in World War I no longer are using preference points, and it is pretty near reaching the point where those who fought in World War II now approaching their fifties and probably pretty well established in life are not particularly looking for the preference points, but there are a lot of younger Korean Veterans, there are going to be a lot more of the Vietnam Veterans. This bill doesn't take away their points altogether, it just sets a limit of five or six years that they will last and I guess that period is extended if they happen to go to a school or college. It just bothers me that what was good enough for the State of Maine in treatment of its veterans from 1919 on to the present day should suddenly be thrown out the window.

Now, I know this bill has been well lobbied. I ran into 50 people out in the hall there and it got tangled up into affirmative action and the "NOW" group and other groups but I still think we owe it to our veterans and I would move now that this bill, such as it is, and all its accompanying papers, be indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman from Hampden, Mr. Farnham, that the pending motion is the motion to reconsider. The motion to indefinitely postpone is not in order.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I realize the hour is late. This thing has been debated before and the last time I asked for a roll call, I think I got 8 other votes. However, I do feel that the points made by the gentleman from Hampden, Mr. Farnham, are very pertinent.

This bill started out, Mr. Quinn's bill started out to be a very good bill and I started out supporting it. At this point, I am opposed to the bill because it has been so muddled up, had amendments tacked onto it: It is a complete mess, discriminates against older veterans. The State of Maine currently is one of the minority of states that do not give a bonus for anybody serving in a combat zone, a dollar bonus, as a matter of fact, I think you still have to pay State income tax if

you were serving in a combat zone. This is one of the very few things that we do in this state for the veterans and I don't like the way this bill is going and if it does pass, then I will be back in the special session with a bill to repeal part of it, not all of it, because I concur with part of it, and I will close by reading you a quote from Kipling. "For it's Tommy this and Tommy that and chuck him out, the brute; But it's the saviour of his country, when the guns begin to shoot."

Mr. Farnham of Hampden requested a vote on reconsideration.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I respect sincerely the remarks made by Mr. Farnham and Mr. Carpenter, and essentially the story that Mr. Farnham tells is correct. It misleads a little bit in that the original bill presented to us in the Government Committee, which we 17-A'd, has been amended in a more favorable manner and some of its more undesirable aspects have been taken out.

As a member of the Conference Committee, who was snowed, however, I am forced to stand by what the Conference Committee did. It was signed unanimously by the three of us from the House, and while none of us, as I said before, were wild with joy about the prospects, the essential elements that the bill tries to do is fair. It is true that it does remove a rather historic privilege that veterans have, but a good deal of relatively unbiased research, the head of the Personnel Department of the State is himself a veteran and a member of the American Legion and in support of veteran's preferences. A relatively unbiased look at this thing during the Committee from the 106th concluded that it would be more fair to veterans themselves if some limits were put on these preference points and we feel that having driven the sponsor from his original three years to five years, and finally to six years, and then to have included in that the exclusion for time spent in education or the exclusion for any disabled veterans, that the bill is essentially a fair bill that does provide equalizations, as it were, in a desired sense, for veterans themselves.

I would therefore urge that you vote against the motion to reconsider.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would be very much remiss if I stood here and allowed to go on what I see going on, and that is the erosion of the veteran's rights. The veteran has become a symbol of "shoot him down, you don't need him anymore, you are not at war, you don't need him anymore". His sons and grandsons may have to serve, but you don't need him anymore. I would like to point out to you that probably this gentleman on the Personnel Board over there, he is very soundly salaried over there, he has a good job, he is doing very well for himself, but he is selling his fellow veterans down the drain and I urge you all to support the gentleman from Hampden. Let's make it an honor to serve our country, let's make it an honor to protect the rights of the veterans and let us not continue to sell him short when you no longer need him any more.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Hampden, Mr. Farnham,

that we reconsider our action whereby this Bill was passed to be enacted. If you are in favor of the motion to reconsider, you will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 30 in the negative, the motion did prevail.

The SPEAKER: The pending question now is passage to be enacted.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Regardless of the fact that there are some good points in this bill, I now move that it be indefinitely postponed. I would ask for a division.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Given the fact that a lot of people that were very interested in this bill are not present right now, I wonder if someone could table this for one day.

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

Mr. MULKERN: Mr. Speaker, I move that this bill lay on the table one legislative day.

Mr. KAUFFMAN of Kittery requested a vote on the tabling motion.

The SPEAKER: The gentleman from Portland, Mr. Mulkern, moves that this be tabled for one legislative day. Those in favor of tabling for one legislative day, you will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 59 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: Before we take what to me is a rather precipitate action, I think we should review the history of the legislation.

Yesterday, this body unanimously, with the exception of one member, indicated that they were willing to enact it into law. That one member called for the bill to be held and we have now had about 7 or 8 minutes of debate on it. Does this body act so lightly that they would pass unanimously a bill to be law one day and then in 10 minutes overturn it the next day?

While I don't beg for tabling necessarily, that issue has been decided. I do ask you to address the real points of the bill. It is a reform in state personnel hiring. It is, true, the first of the steps which takes some privileges from the veterans, but it is not really taking privileges from all the veterans, it is reassigning those privileges within their own ranks.

I read you one quote in state employment concerning all states in the Union from the Christian Science Monitor. "Less than 17 percent of the Vietnam era veterans who apply for a job through state unemployment offices are getting one." Now, that statistic, while you wouldn't necessarily make or break your decision on it, is eloquent of the kind of thing we are addressing. We are removing the real question of the bill, the one that Mr. Farnham objects to so much, the 6 year provision for the points and what we are really doing is removing this privilege from the older veterans in order that the younger veterans may qualify and get a job because, normally, if a man 23 or 24 years old competes with a man 34 or 35

years old with exactly the same preference, experience levels having been equalled, the older man will normally get the job from the younger man. It is not designed for "NOW" groups, it is not designed for affirmation groups, it is designed to help the veteran themselves adjust to an inequity within their own ranks. I would urge you again to consider very carefully before you overturn today in just a few moments what has been so painfully achieved in the last three weeks.

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

Mr. CARROLL: Mr. Speaker and Members of the House: This bill is discrimination. It is playing one veteran against the other and I want the veterans to know, the young ones, you do not walk alone. All veterans walk with you, we join you, we want you to have a job and we want you to believe in America. I urge you all not to buy every new proposal that comes forth. We let this little jewel roll along but today we are ready, let give it what is coming to it.

Mr. Talbot of Portland moved that this matter be tabled for two legislative days.

Mr. Farnham of Hampden, requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Talbot that this matter be tabled for two days. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

36 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

Mr. Talbot of Portland requested a roll call vote on indefinite postponement.

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 Hampden, Mr. Farnham, that the House indefinitely postpone Bill, "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel" and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Ault, Bagley, Bennett, Berry, G.W.; Berube, Birt, Blodgett, Burns, Call, Carey, Carpenter, Carroll, Churchill, Curran, R.; Curtis, Dam, DeVane, Durgin, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Gould, Gray, Hall, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kauffman, Kelleher, Kelley, Kennedy, LeBlanc, Lewis, Littlefield, Lizotte, Lovell, Lunt, Mackel, MacLeod, McBrairty, McMahon, Miskavage, Morin, Morton, Nadeau, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rideout, Rolde, Shute, Silverman, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Torrey, Tozier, Twitchell, Walker and Winship.

NAYS: Berry, P. P.; Boudreau, Bowie,

Bustin, Byers, Chonko, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.; Davies, Farley, Goodwin, K.; Greenlaw, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Kany, Laffin, LaPointe, Leonard, Martin, R.; Maxwell, McKernan, Mills, Mitchell, Mulkern, Najarian, Peterson, T.; Post, Powell, Quinn, Saunders, Smith, Snow, Snowe, Talbot, Tierney, Wagner and Wilfrong.

ABSENT: Bachrach, Carter, Doak, Dow, Drigotas, Dudley, Dyer, Garsoe, Gauthier, Hinds, Jacques, Jalbert, Laverty, Lewin, Lynch, MacEachern, Mahany, Peakes, Rollins, Theriault, Truman, Tyndale, Usher and Webber.

Yes, 80; No, 45; Absent, 24.

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

The Chair recognizes the gentleman from Van Buren, Mr. LaBlanc.

Mr. LaBLANC: Mr. Speaker and Members of the House: Having voted on the prevailing side, I now move reconsideration and hope you vote against me.

The SPEAKER: The gentleman from Van Buren, Mr. LaBlanc, moves the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

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

Sent up for concurrence.

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

An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine (H. P. 1128) (L. D. 1404) which was recalled from the Governor by Joint Order (H. P. 1593) and which was previously passed to be enacted in the House on May 9 and passed to be engrossed on May 2.

Tabled — by Mr. Birt of East Millinocket
Pending — His motion to reconsider enactment.

On motion of Mr. Rolde of York tabled unassigned pending passage to be enacted.

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

Bill "An Act to Clarify the Fuel Adjustment Clause under the Public Utility Law," (H. P. 1086) (L. D. 1366)

Tabled — by Mr. Kelleher of Bangor
Pending — His motion to reconsider whereby the Majority "Ought not to pass" Report was accepted.

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

Mr. GREENLAW: Mr. Speaker, I personally regret very deeply the incident which took place this morning surrounding this bill and for whatever purpose it is, I wish to apologize to this House. The hour is late, and I don't want to spend any great deal of time delaying our adjournment. After we recessed this noon, I considered the possibility of just killing this bill outright myself because of the emotion and the feeling that surrounded this bill. Coming back in the House this afternoon and hoping that perhaps some of the emotion had subsided, I felt that I would at least like to ask you to simply reconsider this motion so that I could possibly offer an amendment tomorrow.

The Amendment, if the bill did stay

alive, would not change the substance, it would simply attempt to make the bill more workable. I am not going to debate this bill any further and hope that we could just vote on the merits of reconsideration.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: There were 76 members of this House this morning that accepted the Majority twelve to one "Ought not to pass" Report, and I would ask those members of the House that voted in that manner to vote against my motion for reconsideration.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action whereby the "Ought not to Pass" Report was accepted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

The following Non-concurrent matters appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Bill "An act to Permit the Continuation of Mediation Services" (H. P. 739) (L. D. 911) which was passed to engrossed as amended by Committee Amendment "A" (H-294) in the House on May 13.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-294) as amended by Senate Amendment "A" (S-161); thereto in non-concurrence.

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

Bill "An Act to Establish Purchasing Procedures for the Legislature" (H. P. 1595) (L. D. 1885) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10) which was referred to the Committee on State Government in the House on May 16.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Rolde of York, tabled pending further consideration and specially assigned for Wednesday, May 19.

(Off Records Remarks)

On motion of Mr. Silverman of Calais,
Adjourned until nine o'clock tomorrow morning.