

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, May 20, 1975

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

Prayer by Father Paul Pare of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication:

May 19, 1975

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

The Senate voted today to Insist and Join in a Committee of Conference on Bill, "An Act Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registration." (H. P. 752) (L. D. 927)

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 19, 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 Designating Family Day Care as a Priority Social Service." (H. P. 1207) (L. D. 1500):

Senators:

KATZ of Kennebec
TROTZKY of Penobscot
JOHNSTON of Aroostook

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 19, 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 Majority Ought Not to Pass report on Bill, "An Act to Increase Certain Weight Limits for Class 2 and Class 3 Motor Vehicle Licenses." (H. P. 1369) (L. D. 1650).

The Senate voted to Adhere to its action whereby it accepted the Minority Ought Not to Pass report on Bill, "An Act Providing for the Establishment of a Pilot Project in Bilingual Education." (H. P. 1428) (L. D. 1779).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Joint Order: (S. P. 524)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Lawrence M. Cutler of Bangor on his Retirement from the Board of Trustees of the University of Maine After 19 Years of Dedicated Public Service

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

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

Came from the Senate read and passed.

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

Reports of Committees
Ought Not to Pass

Committee on Energy reporting "Ought Not to Pass" on Bill "An Act Relating to the Construction of Electric Power Generating Facilities" (S. P. 384) (L. D. 1239)

Was placed in the Legislative Files without further action pursuant to Joint Rule 10 in concurrence.

Leave to Withdraw

Committee on Energy reporting Leave to Withdraw on Bill "An Act Creating the Maine Industrial Authority" (S. P. 423) (L. D. 1617)

Committee on Energy reporting Leave to Withdraw on Bill "An Act Adjusting the Maine State Sales and Use Tax on Passenger Motor Vehicles in Accordance with Engine Efficiency" (S. P. 464) (L. D. 1517)

Committee on Labor reporting Leave to Withdraw on Bill "An Act to Simplify the Occupational Disease Law and to Conform with the Recommendations of the National Commission on State Workmen's Compensation Laws in Regard to Occupational Disease" (S. P. 227) (L. D. 759)

Came from the Senate with the Reports read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Promote the Orientation of State Employees in the Functions and Purposes of State Government" (H. P. 1289) (L. D. 1582) which was passed to be engrossed as amended by Committee Amendment "A" (H-370) as amended by House Amendment "A" (H-399) thereto in the House on May 19.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

Mr. Cooney of Sabattus moved that the House Insist and ask for a Committee of Conference.

Mr. Quinn of Gorham moved that the House recede and concur.

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

Mr. COONEY: Mr. Speaker and Members of the House: This is a bill that was presented by myself to the State Government Committee, and it comes from some thinking on my own part, and I am sure all of you have done similar thinking as to how service to the people can

be improved by state employees, and I could only think of how industry and successful businesses work, and I think we know that all of them have orientation programs of some sort or another. Many of them have very vigorous orientation programs. Someone on the committee who was in the military pointed out that of course the military has tremendously successful training programs, and most businesses of any size, and certainly the State of Maine is the largest employer in the state, businesses of any size have some kind of orientation program for their employees to acquaint them with purposes of their service, the purpose of their job, how it relates to other jobs, how do you treat the customer, or in this case, the public, things of this sort.

This bill calls for a one-day orientation for each state employee. I think it is a good bill. I think we can work it out with the Senate, and I sincerely hope that you would defeat the motion to recede and concur and that we would insist and ask for a Committee of Conference.

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

Mr. QUINN: Mr. Speaker and Members of the House: A one-day orientation times each state employee means several thousand days of work, since there are several thousand state employees.

We have a lot to do this year, and keeping this bill alive, which is essentially a minor opinion bill, simply takes time that we can ill afford with committees of conferences, it will only use up time. It is essentially an attempt to legislate efficient bureaucracy, which is like telling people the law says you must be good or you must worship God. If your supervisors are not interested in training their people properly, you can write requirements that they have schools all day long, and this will not necessarily increase the efficiency of the employee and it simply gives the average bureaucrat one more excuse to justify one more typist or one more secretary to take care of the school that the law says he has to have and authorize centralized schools so the employees can travel from four towns around to attend the one-day training course that it is required by law, essentially unnecessary and it is expensive.

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

Mr. COONEY: Mr. Speaker and Members of the House: The gentleman from Gorham, Mr. Quinn, has certainly made this sound like an expensive and difficult process. There is no price tag on this; it is one day sometime before the employee goes into their second six months of services; it does not cover any part-time employees whatsoever. And I would pose a question, rhetorical question, I would say, as to the expense to the state and to the public whether or not it is more expensive who is not properly oriented to their duties in the long run, or whether it is good to have someone who is properly oriented?

I might point out in closing that both "Ask Me." and the Maine State Employees Association testified in support of this bill at the public hearing.

Thereupon, Mr. Laffin requested a vote on the pending motion.

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

A vote of the House was taken.

78 having voted in the affirmative and 26

having voted in the negative, the motion did prevail.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Concerning Pay Toilets" (H. P. 663) (L. D. 837) on which the Majority "Ought to Pass" Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed as amended by House Amendment "B" (H-131) in the House on May 19.

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

In the House: On motion of Mrs. Najarian of Portland, tabled pending further consideration and specially assigned for Thursday, May 22.

Petitions, Bills and Resolves Requiring Reference

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

Education

Bill "An Act to Authorize the Withdrawal of the Town of Nobleboro from the Damariscotta-Newcastle-Nobleboro Community School District also known as the Great Salt Bay Community School District" (Emergency) (H. P. 1612) (Presented by Mr. Palmer of Nobleboro) (Ordered Printed)
Sent up for concurrence.

Orders

Mr. Palmer of Nobleboro presented the following Joint Resolution and moved its adoption: (H. P. 1613)

IN MEMORIAM

Having Learned of the Death of Herbert L. Spear, a Unique and Beloved Citizen of the Town of Nobleboro

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.

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

House Reports of Committees Ought Not to Pass

Mr. Theriault from the Committee on Veterans and Retirement on Bill "An Act Relating to Participation in the State Retirement System by Civilian Dispatchers Serving Municipal Police and Fire Departments" (H. P. 1537) (L. D. 1858) reporting "Ought Not to Pass"

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Automatic Cost-of-Living Wage Supplements for State, Maine Maritime Academy and Classified University of Maine Employees" (H. P. 434) (L. D. 537) reporting "Ought Not to Pass"

Mrs. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Automatic Cost-of-living Wage Adjustments Every Six Months for State Employees" (H. P.

1071) (L. D. 1351) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 10.

Leave to Withdraw

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Rural Health Services in Maine through a Loan Program for Needy Maine Citizens and Needy Citizens of Other States who Desire to Attend Medical or Dentistry School" (H. P. 1420) (L. D. 1776) reporting Leave to Withdraw.

Mr. Hewes from the Committee on Judiciary on Bill "An Act Relating to Procedure in the District Court Concerning Juveniles and to Certain Records of the District and Superior Courts Concerning Juveniles" (H. P. 803) (L. D. 979) reporting Leave to Withdraw.

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Teague from the Committee on Agriculture on Bill "An Act to Conform the Pesticide Statutes to Federal Law" (H. P. 821) (L. D. 985) reported same in New Draft (H. P. 1611) (L. D. 1890) under same title and that it "Ought to Pass"

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

Divided Report

Eleven Members of the Committee on Business Legislation on Bill "An Act to Require Returnable Beverage Containers" (H. P. 745) (L. D. 913) report in Report "A" that the same "Ought to Pass" in New Draft "A" (H. P. 1609) (L. D. 1888)

Report was signed by the following members:

Messrs. THOMAS of Kennebec
JOHNSTON of Aroostook
REEVES of Kennebec
— of the Senate.

Mrs. CLARK of Freeport
Mrs. BOUDREAU of Portland
Mrs. BYERS of Newcastle
Messrs. PIERCE of Waterville
TIERNEY of Durham
PEAKES of Dexter
BOWIE of Gardiner
HIGGINS of Scarborough
— of the House.

One Member of the same Committee on same Bill reports in Report "B" that the same "Ought to Pass" in New Draft "B" (H. P. 1610) (L. D. 1889)

Report was signed by the following members:

Mr. DeVANE of Ellsworth
— of the House.

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought Not to Pass"

Report was signed by the following member:

Mr. RIDEOUT of Mapleton
— of the House.

Reports were read.

Mrs. Clark of Freeport moved the House accept Report "A" "Ought to pass" in New Draft.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: First, I would ask

for a division on the motion of the gentlewoman from Freeport. Secondly, I would speak briefly to the matter before the House.

There are, in fact, three reports before this House for consideration. The gentleman from Mapleton reports "ought not to pass." I think that is clear enough. The majority of the committee reports "ought to pass" in new draft, L. D. 1888, and a solitary member reports L. D. 1889. I would point out to you some of the distinctions between 1888 and 1889.

L. D. 1889 is what I would term a bare bones bill, a bare bones approach requiring returnable containers. It defines less, but it prohibits the same thing, believing that that which governs best governs least and believing that the economy, the matter of being able to make a living will determine who does what, and it is best that that happen that way. I have worked on the committee from the beginning, and can say with some pride, I think they effected a few useful changes in the larger draft but found myself still unable to join it.

If you will look at 1888, page 4, if you wish, section 1867, item 2 says, subsection one shall not apply to beverages in glass containers imported from outside the United States. That is one provision to which I objected. I think if we are going to require American breweries, American bottlers, to do one thing, we could at least require that Heineken's, Tuborg and Loenbrow and the imports, and not just those imports, if you happen to live along the border, I ask you to think of names like Molsen. It seems to me that if it is necessary for American bottlers and American distillers to live by a set of rules, the least we could do is require that our neighbors do the same.

Another, and I think substantial difference in the two drafts is this. L. D. 1889, on the bare bones approach, exempts from the requirement to the act "on-premises" sale. It seems to me if a person is going to sell a beverage for consumption on the premises and makes, as this draft would require, provision for the picking up — I don't care if it is a beer garden or what, but if they provide themselves for the picking up of the containers, it seems to me they ought to be able to serve in fine stemware, a dixie cup or an army boot. I don't think it is anybody's business.

So before you view this as 11 and 1, I would suggest that you read the two acts. I know the House and the other body would like to get along with their work and we would all like to get out of here, but there are very substantial differences.

I think if you believe as I do, that that which governs least governs best, if you believe that the public is entitled to address themselves to the matter of returnable containers, it is nothing but an economic issue, it is a social issue, it is a value judgment that this House, both of these acts, contemplate that whoever loses and whoever wins, the matter is going to referendum. That is not just my judgment, that is the judgment of people who have been around this state and around this Capitol for one great long time. This matter is going to referendum no matter who wins and who loses, and both of these drafts facilitate that. It is simply a matter of saving time and money. Both of the drafts would require substantially the same thing. The second draft, 1888, treats everybody alike, foreign and domestic and excludes on-premises use, and I think

there are other but dramatic differences and I thank you for your consideration. I thank you for your time. I call for a division and ask you to reject the motion of the majority report.

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 ask a parliamentary procedure on this. The vote that we are now going to take does not prohibit the debate of this bottle bill as of the rest of the day, does it?

The SPEAKER: The Chair would answer in the affirmative, because once the motion is made and it passes, it would accept the Report and the first reading of the bill would be given, assuming that the majority report is accepted.

The Chair recognizes the same gentleman.

Mr. LAFFIN: Mr. Speaker, then this vote will end the debate?

The SPEAKER: The Chair would answer in the affirmative.

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

Mrs. BERRY: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer. Is it necessary to have a redemption center clause in the bill to have redemption centers?

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. BYERS: Mr. Speaker and Members of the House: No, it was not necessary that we keep the redemption center clause in the bill. We did do that to encourage people, actually, to set up redemption centers. We have had information that there actually will be one redemption center set up in the State of Maine, and we are hoping if people can look in the law and see how they might go about it, that they would actually do this.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to get into a debate right now but I would point out to you that on your desks there is a report written by one of my constituents, a Mr. Kenneth Brown, who is a Professor of Mathematics at the University, called the Returnable Bottle Bill for Maine. I would recommend that each of you take a look at this prior to the debate on this tomorrow, assuming that we will have a debate on it. I think it is a report that looks at the criticisms brought about Mr. Branch and his study and I think it very significantly tears that report apart. I would recommend that you take a look at it. It has a lot of information which could be very useful on this debate.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Freeport, Mrs. Clark, that the House accept the "Ought to Pass" Report. Report "A". If you are in favor, you will vote yes; those opposed will vote no. A Division has been requested.

A vote of the House was taken.

Thereupon, Mr. Maxwell of Jay requested a roll call.

The SPEAKER: In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in

favor 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 Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I would simply like to answer the question of Mrs. Berry, as to whether redemption centers are required. There is nothing right now in Maine law that would prohibit any of us going out and opening a redemption center. I simply don't see that it is necessary to legislate the functions of a redemption center.

I would like to point out once again, in this debate, for those people who have been out and come in since the bell rang, that both drafts, 1888 and 1889 contemplate the same thing, the prohibition of the sale in the State of Maine of beverages as defined in the act, except as in containers defined in the act, and if you look at the longer draft, I think you will find such things as licensing by the Department of Agriculture and certification and redemption centers, and you will hear about this in great detail and you will be delighted by it, as I was.

I would ask you really once again, before a final vote, to consider if you wish to accept a report that exempts foreign bottlers, German, Dutch, Danish and Canadian, and any for that matter, and whether or not you would like to accept the report that does not contemplate an exemption for use on premises. It seems to me much more reasonable to exempt beverages used for consumption on premises where the seller provides the pickup and the cleanup.

The acts are considerably different. In light of the vote, I won't ask to table it, because I think we might as well address ourselves to it now but I hope you will take the time to look at the substantial differences.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to see something done about this bottle problem but I don't believe I am ready to do it in this manner. I believe the Constitution of this state and this nation guarantees us equal rights, and for that reason, I would like to see what the federal court says about this. There are court cases pending, as I understand, before them. It seems to me when you pick out one group of people and say you cannot do this, you cannot put your merchandise in a bottle but everybody else can, this is certainly discriminatory against a group of people in the United States or in the State of Maine.

Now, I saw in at least one foreign country that I visited, they had a glass bill that was very similar to what we are doing but it included everybody. The way they did it, they made a uniform bottle that they put everything in, whether it be jam, pickles, olives or what and they were all returnable. In other words, they were all taken back and they use this one kind. One time this bottle might have olives in it and the next time might have pickles or jam in it, but it was the same standard thing.

Now, to make an illustration in this country, we have several kinds of peanut butter and every one of these, there is Jiffy and many more, all have got a jar that is

different and they are thrown around too in camp lots where they have lunches, olive bottles and everything else.

It would seem to me that this particular foreign country, the way they did it, they had a standard bottle for everything and it was returned and this was handled in a businesslike manner where there would be no discrimination against one industry to another.

I have some very serious reservations. I view this Constitution of the State of Maine and of this nation as a very good document, even though it was written a long time ago and has been amended, but I still have a lot of respect for it and I hope you do. When you do, I hope you bear in mind that what this does is pick out one group of people and say, you people can't do it but everybody else can. I just don't believe the Constitution of Maine was intended to do this on this particular bottle bill or any other particular group of people. I think if we all understood it right, the court will, that you have to use everybody alike and this bill certainly doesn't use everybody right. Until the federal court makes some final decision, I would rather not be hasty about it. Until such time as we can say that everybody has got to use the standard size bottles and they are all returnable, that I will buy because something in the next generation has got to be done about this glass problem, not necessarily the bottle bill. There is a glass problem and it takes in more than just bottles. There are many types of bottles.

While I am on my feet, I have been all my life, or most of it since 1932, in the tire business, and we have a lot of problem from glass but it is not from returnable bottles, it is from hard bottles, returnables bottles like the old fashioned coke bottle, the olive bottle. These are the ones that give us a lot of trouble in the tire business, not this soft bottle, this low priced bottle that crunches up very easily. So, we get more problems in the tire business from the returnable bottles really than we do the nonreturnable bottles because they are so solid. I think one of the worst ones is the old fashioned coke bottle or a small olive bottle. They are death on a tire.

From different industries, you will hear different complaints. Nevertheless, my big complaint is, is this Constitutional from the federal court standpoint?

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to speak today but I would like to say something in response to Mr. Dudley's comments of Enfield and that is, that although I agree with him entirely that this is not the entire glass problem, I would like to remind him that about 10 years ago it was never considered unconstitutional to require people to return bottles. It doesn't seem to me that we could err very much by going back to the days when everybody took it for granted that their bottles would, in fact, go back to the store and be refilled.

Mr. DeVane of Ellsworth was granted permission to speak a third time.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: The lady from Brunswick, I think, has made the point. For years and years and years people took bottles back and nobody had to legislate where you would take them and who would accept them. Many of us who are old

enough remember picking them up and taking them back.

Mr. Speaker, I am going to do something that I had not intended to do. I am going to read 1889 very quickly. Section one defines beverages the same as 1888. Section two defines beverage container a little differently. Section three defines State the same as the other acts. Section four defines person the same as the other act. Section five is different. Premises. "Premises means the property on which the sale of a beverage is made, provided that consumption can reasonably be expected to take place within 100 yards of the point of actual sale and the seller provides suitable means for the disposal or collection of beverage containers. Prohibition is the same, "No person defined in this Chapter shall sell or offer for sale any beverage," and the civil violation is the same and that is bare bones. There is your beverage, there is your container that assumes that people are intelligent and assumes that the economy will find its level and there is the prohibition.

If I might address myself to the Majority Report you are being asked to accept. Legislative finding in intent, it is very hard to argue with that. Beverage container, commissioner, consumer, and it defines the consumer, once again, the dealer, the department, meaning agriculture, the distributor; in this State, the manufacturer, the person, the premises, quite identical to the other but no exemptions for consumption on premises. Refillable means that beverage container which is refillable at least five times — that is the same in this. Use or consumption — now, here is refund value. Every beverage container sold or offered for sale in this State shall have a refund value of not less than five cents. That is 30 cents a six-pack, I think, for most people. This act addressing itself to can is 3 cents, that is 18 cents, that seems to me to be enough.

Bottles in this act, the distributor or seller or whoever pays for them, if we can hark back to when we talked about who paid for what, will determine in terms of the economics of the bottle. Labels — brand names, except as provided under Subsection two, the refund value shall be clearly indicated on the beverage offered for sale by a dealer in this state by embossing, stamping, labeling or securing. Brand name-glass beverage containers having a refund value of less than 5 cents prior to the effective date of the act. Application — dealer acceptance, a dealer may refuse to accept from a consumer or other person, not a retailer, any beverage container of a kind, size, brand sold by the dealer. Distributor may not refuse.

Reimbursement by a distributor — prohibition of certain types of metal beverage containers, and I ask you to pay attention to this prohibition, no dealer or other person shall sell or offer for sale to a consumer in this state any metal beverage container designed and constructed so that a part of the container is detachable for the purpose of opening. That is called a flip-top can. That is a prohibition.

Redemption center — local redemption centers may be established. My goodness, they can now, and then to get one you apply, and the approval comes from the Department of Agriculture. The commissioner shall approve a local redemption center if he finds that the center will provide a convenient service for the return of empty beverage

containers. The order approving a local redemption center shall state the dealers to be served in the kinds and the sizes and the brands. Empty beverage containers, which the center shall accept, the order may contain such other provisions as the department may determine to insure the local redemption center will provide a convenient service to the public and I am sure that the situation that the lady from Brunswick refers to did not require the Department of Agriculture to decide those things and yet the bottles went back.

Withdrawal of approval — the commissioner may review at any time approval of a local redemption center. After written notice to the person responsible for the establishment and operation of the local redemption center and to the dealers served by this center, the commissioner may, after hearing, withdraw approval of a local redemption center, if he finds there has not been compliance with the approval order or if the local redemption center no longer provides a convenient service to the public and I ask you, can you believe that?

Refillable containers — except as provided in Subsection two, no person may sell beverages in glass beverage containers which have not been approved as refillable by the Commissioner of Agriculture. Subsection one shall not apply to beverage in glass containers imported from outside the United States. I think somebody is going to get up when I sit down and say, please accept the Majority Report and we will amend it. We will amend it to make the Mom and Pop stores to take it when the people who don't want to take it shouldn't have to. I tell you, ladies and gentlemen, that people buy a beverage in a returnable container and they cannot take it back to where they bought it, they won't buy it there again and somebody will make a decision. I think as soon as I sit, someone will rise and say, accept the Majority Report and we will fight about 'shall' take and 'may' take and we will fight about licensing redemption centers and we will fight about what it is we have to instruct people to do and I suggest to you that there is one reasonable exemption and it is not for foreign beers and it is not for foreign products. There is one reasonable exemption and that is for on-premise use and it is in this bare bones approach. The rest of it is unnecessary, cumbersome and expensive and once you have accepted the Majority Report, we are going to be here for a day fighting about shall's and may's and who's and which commissioner and how big your redemption center must be.

The people of this state and the businesses of this state have common sense. If they are prohibited from selling beverages other than returnable, reusable, or a recyclable containers, they will do so. The only thing we need to enforce it is the violation, you don't need the rest of it and we will be here and we will be here as they are in Vermont with this Majority Report, we will be amending this year and next year and the year after. It is the most unnecessary, and as far as foreign products go, the most unreasonable, and as far as use on premises go, the most indecent thing to regulate people to death. We can address ourselves to the matter of returnable, reusable and recyclable containers in a very minimal way to our credit and to the benefit of the public.

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

Mr. MILLS: Mr. Speaker, Ladies and

Gentlemen of the House: May I pose a question to the gentleman from Ellsworth, Mr. DeVane? Is this right, that I heard you say that the first section in this bill exempts the foreign bottlers and canners coming into this country?

The SPEAKER: The gentleman from Eastport, Mr. Mills, has posed a question through the Chair to the gentleman from Ellsworth, Mr. DeVane who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: The Majority Report, L. D. 1888, page four, section 1867 — refillable containers: except as provided in subsection 2, no person may sell beverages in glass beverage containers which have not been approved as refillable by the Commissioner of Agriculture. Subsection two says, subsection one shall not apply to beverages in glass beverage containers imported from outside the United States. I think we are talking about German, Dutch, Danish and in the case of the State of Maine, Canadian beer: I think the answer is clearly yes, sir.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief, I just want to address myself to the question raised by the gentleman from Eastport, Mr. Mills, and the answer given by the gentleman from Ellsworth is, in fact, partly correct.

Imported beers are exempted from the refillable provision and are not, however exempted from returnables. The reason for this is because the refillable provision is in there so that brewers who are in fact within certain commuting distance in the United States will be required to refill their glass containers. The reason for this is because it was adopted in Vermont because the brewing industry refused to adopt refillable containers. Sure, they put the 5 cent deposit on there, but they did not go to refillable containers. So, therefore, it upped the price of beer. So in order to make sure that they would have refillable containers and therefore reduce the cost, we have required that glass containers be refillable.

Obviously, a brewer from outside of the United States, who has to ship his containers not only back from the stores to the distributor here in Maine, but also, then to a boat or a plane to take it back across the Atlantic to refill the container and then bring it back is not going to reduce the price of the beverage to the consumer. Therefore, we are exempting them from the refillable provision but we are requiring that all those containers still be returnable and still have the deposit on them. So they will still be taken back and they will still have the 5 cent deposit. It was just that we felt that it would serve no purpose to also require that they be refillable because certainly there would be no advantage there as there will be with domestic brewers.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask that you vote against Report "A" and accept Report "B", accept the more simple bill so that it will not turn out like many of our other bulky bills amended to death and unclear to the majority.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: From the debate that has been carried on here this morning, I cannot support the first section of this bill. It is, in my opinion, a piece of discrimination against our own industries and in favor of the foreign importers. I would support the second section of this bill.

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

Mr. CALL: Mr. Speaker and Members of the House: I am surprised at the Committee Report "A". This bill was unacceptable in the last two sessions and I feel it is still unacceptable. This time the proponents chief argument seems to be that opponents have spent a lot of money to oppose this proposed legislation. My answer to that argument is that we are all indeed fortunate. If we get through this life of ours without having to spend money to protect our interests or, on the other hand, to promote certain interests.

Look at the problem facing the nation's doctor's today in regard to malpractice insurance. I don't have to elaborate on that. We have read the papers and we have listened to the newscasts. Today, many of us live in fear that if we should sneeze off tune that some joker will sue us. Unfortunately, too much legislation has been passed which makes us all vulnerable to something or other. In my opinion, the preponderance of evidence sent forth in arguments on both sides indicates that the legislature should continue to oppose this proposed legislation.

If we pass this bill, the next legislature will have a bill begging the legislators to amend or repeal the bottle bill as being a terrific nuisance. We have too much of that this session. Again, I stress the point that the last two legislatures acted properly on this issue and it is up to us to do likewise and prevent the horrible experiences which shall result if this bill passes.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I think the word beverage should be defined. If I were to define it, I would declare that wine, whiskey, brandy and gin and screwdrivers and all these things were a beverage. I know some of my colleagues would consider them that, but I think this should be defined a little if we are going to use the word in one place beverage and for some convenient reason to exclude it in others, this is the point I was trying to make earlier.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I would like to ask a question through the Chair. In referring to foreign bottles it said that they would be returnable but not necessarily have to go back to the company overseas. What is the storekeeper or the dealer to do with these bottles afterwards? Will they be taken by the company that delivers them or will they stay in the store?

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

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentlelady's question. If you look at Section 1865, Subsection 2, requires that the distributors take them back from the storeowners.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Dudley's question about what a beverage is, it is defined under "Section 1862, Subsection 1, Beverage means beer, ale, or other drink produced by fermenting malt, soda water or other nonalcoholic carbonated drink in liquid form and intended for human consumption." Beverage is defined and in deference to the good gentleman from Lewiston, Mr. Call, perhaps he should not be upset or disturbed by the committee report of eleven to one to one. Maybe it shows that the bill does have some merit.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The small storeowners of this state will be greatly hurt by this piece of legislation. It will be very detrimental. They are now governed by the liquor laws, they are now governed by milk laws, by unemployment laws, that this legislature has taxed upon them.

The legislature says this is the way it is going to be. The small storeowners of this state suffer once again. We are even captive tax collectors. We collect in nine months over \$174 million of sales tax, which I believe is illegal to begin with. If I had the money, I would let the State of Maine take me to court to prove it. We have to collect those taxes, we don't have a choice. If we don't pay by the 15th of the month, the State of Maine says you shall be fined and we shall tax a penalty for you being late.

The consumer doesn't know the grief and the agony that the small storeowners will suffer under this stupid bill. There is no justification.

The Legislature allowed restaurants, big hotels, to sell hard liquor in this state five years before they let the small storeowner sell it. Five years, you said, you can sell it, but the small storeowner who works 16 and 18 hours a day, you can't sell it. But those big shot restaurants can sell it.

The small businessmen in this state can stand an increase in the minimum wage. We expect to pay it and there will be no problem, we can survive that, but we cannot survive these laws that tie our hands and dictate how our businesses are going to be run. The small businessman of this state is decreasing at a very fast rate.

Let's talk about something else for a change. Let's leave the small businessmen right out of this, let's talk about the consumer. I am not going to give you how much more it is going to cost or how much less it is going to cost but I will tell you one thing, the people of this state will pay because the small businessmen are not going to absorb the loss that they will have to absorb. As I understand from my very good friend from Bangor, who informed me the other day, that it is now taking out of this piece of legislation that stores do not have to accept the bottles back. Do you realize that there is not going to be a small store in this state that is going to take those bottles back. I am going to put a big sign right on my door. "Buy it here, but don't bring them back" and so is every other businessman. They are not going to take those filthy things back.

Let's talk about something else for a minute. What about the cleanliness of returnable bottles? They say, "Oh, they are nice and clean and they have been sterilized and everything else." I would

like to show you something. I have two bottles that I sell in my store, a six and a half ounce Coca Cola bottle which would have been sold in my store. I also sell beer in my store too, as you know. This is a 16 ounce returnable bottle, and I will give this to any member of this House who would like to drink it. You wouldn't drink it because there is filth in it. There is filth in both of them. This bottle, this one was — I can't swear to this one because it wasn't in my presence at the time that it was attempted to be purchased but the customer did notice it and I am going to let you look in there. There is a piece of matter in there and I don't know what it is and I will let anybody here in the House look it over and if they want to tell me what it is, they are welcome to it. This bottle is a returnable. It has been to the distributor, the distributor ships it back to the Rheingold people, they wash the bottle, they clean the bottle and they refill it and send it back to us here in Maine, and they say to you people, you buy it and you drink it. That is a returnable bottle.

This bottle here was purchased in my store. A woman come in one night and put that on the counter and she said, "My, I don't want to buy that, what is in that?" I looked at it and I said "No, I don't want you to buy that either." This is a returnable bottle. There is a piece of matter in there and I don't know what it is, it is something, but this same bottle was sent to one of our little stores or a big store it doesn't matter which, the bottle then was sent back to the Coca Cola company, the Coca Cola company sent it to their plant in South Portland, it was washed, it was cleaned, it was sterilized and everything else that is supposed to be done to it and this bottle was refilled, and sent back to the stores for you consumers to buy. I am sure there is no one in this House who would want to drink this bottle. These are returnable bottles and they are filthy. I would certainly be glad to let anybody look at them. I took the coke bottle over to the State Police Barracks here at the State Capitol to have their lab look at it, to show that the bottle caps have not been tampered with, to prove that I didn't put anything in there and, for some reason, they are working on many cases and he gave me back the bottles and he said if your debate is coming up he didn't have time to fully complete it. I will let you look at it and decide. These caps have never been touched, they have never been tampered with to the best of my knowledge.

I know we have many disbelievers in this House, so I thought that in order I would never perjure myself so I took and had an affidavit made and signed by a Justice of the Peace right here at the State Capitol, Eda F. Weeks. I am going to read you this affidavit, and it says, that "I, Stanley E. Laffin, do solemnly swear the bottle that I hold in my hand", it would be this one right here, "was attempted to be purchased at my place of business, as you now see it. I further state that this bottle has not been tampered with in any way, shape or manner." and I signed it. I am not perjuring myself for a 25 cent coke bottle whether this law is ever passed or not. It doesn't mean that much to me.

The second reason that I don't like this law is not only the discrimination part because you know we are all supposed to be equal and everybody has the same rights as everybody else and when you want to get rid of cop killers they come to your committee up there and testify and say how everybody should have civil rights

and even those people have their rights and should live, so I feel as long as we are all having civil rights and human rights that this is discriminating but that is all right, we will let it go. What about the State of Maine? What about our liquor stores that we do a \$40 million profit in this state. The state makes \$40 million. They only collect one fifth of the taxes that we, the small business people, pay to them for sales tax. That is a big business so you can imagine how much the storeowners pay at their captive tax collectors. You go to a store and you buy a fifth. You don't have to take that fifth back but yet you have got to bring that thing back to me, but you don't have to take the fifth back. Let the State of Maine say, OK, you have got to take those bottles back, we now want the State of Maine to hire more people to have more room, more storage space. They are making \$40 million on this deal, take back all your liquor bottles. How about the lobster business of this state. We have many people in this House. What about the lobster people of this state, if you say to them, sorry, you can't sell anymore lobsters because some white trash threw it on the highway, so you can't sell any more lobsters, it has to be consumed in a restaurant. How much would the restaurants make then? They would be getting pretty busy if you couldn't take and buy a lobster and take it home because somebody throws the lobster shells on the highway. What about paper bags and paper goods, what about all kinds of other jars and all kinds of cans that everything comes in? Go to the store and say, we will dish it out to you now and you bring your own container.

The State of Maine, under this law, if this bill was enacted by this legislature you are saying, I sold this person this bottle, he threw it on the highway, we are punishing you, you have got to take that bottle back. What if I sell that person this same bottle, this coke bottle, and we have had this happen twice in Westbrook this winter. So, somebody says "I don't want the bottle, even though it is a returnable and he throws it at a car, the car crashes up and five people are killed. You are blaming me for that, according to this law you are. You are saying, you sold the bottle, don't throw it on the highway, take it back to the store. He is responsible for selling this bottle, so if there is a big accident and something happens, are you going to blame me for that, are you going to blame the rest of the storeowners because this person threw the bottle at a car and caused a severe accident? No, I don't think you would go that far, but you would surely say, he is responsible for the bottle because he sold it.

The small business people of this state cannot go backwards as their problems leap forward. To saddle the small stores with this type of legislation, and in many cases, believe you me, we have city governments, local governments that have made laws now in certain areas of the cities, they class them A, B and C, you cannot build on, if you have a small store, that is it. You are in a residential area or whatever your area may be, you cannot add on, you cannot build on. There are many small stores in this situation.

A friend of mine said the other day, don't speak more than an hour, and I am not going to speak any longer. I say to you, consider this bill and consider it very carefully. This bill is detrimental to the small businesses of this state and you are saddling them with another law that they really don't deserve. You have tied their

hands and I ask this House of Legislators today to have a little foresight in the distributors of this state. I don't like to speak too much on that because many people think distributors are well off and wealthy people and maybe they are, I don't know. The ones that I know aren't too rich, but maybe some of them are. They invest a lot of money in coming into Maine. They have to build warehouses. Do you know what it would cost them to build another warehouse the size that they have to take these bottles back? Somebody has got to take them. I don't care where you put them, somebody eventually, whether you have distributing points in centers or the small stores, they have got to go back somewhere. Somebody has got to be on the end line of these things and that is the distributor. The distributor will be saddled with this.

Coca Cola, sure they are a big outfit and Pepsi Cola, they will have to build buildings, maybe they can afford it but I am sure of this, there are a lot of small distributors in this state that can't afford that, that will put them out of business. I am not a great advocate of selling beer, even though I make a living at it.

This bill is a bad bill. This bill is a very bad bill for the State of Maine because you are saying to clean up our highways, take the bottle back.

I am going to tell you one little story and then I am not going to say any more. I had this fellow come into my store three or four weeks ago, I don't remember the exact night and he said, "we should have returnable bottles," and I said, "why should we have returnable bottles?" He said, "So I can go on the highway and pick them up and sell them." I said, "Well, you know, that is a very good idea." I said, "Why don't you go out and get a job, then you won't have to do that." So, anyway, he didn't like that remark. He is getting food stamps and everything else he can out of the state but he would go pick up bottles.

Ladies and gentlemen of this House, I move that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: Unless there is objection, the Chair will suspend Rule 19 so that the members may go to various locations during intervening debate, so the barriers may be taken down. A roll call, however, has been ordered.

Hearing no objection, it is ordered.

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

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: Before we go any further with this debate, I have a Webster's Dictionary here and it defines beverage as any liquid for drinking, especially other than water. It also defines malt, barley or other grain softened by soaking in water until it sprouts and then kiln dried, used for brewing and distilling certain alcoholic beverages or liquors. Now, I say to you, in the liquor stores we have several brands of whiskey that are made by using malt, barley or similar

products, corn, sour mash, I am thinking of Tennessee Sourmash Whiskey, and I say if this bill was passed, you have got to have returnable bottles in our State Liquor Stores. I will have more to say on this later.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I do not go along with the indefinite postponement which was moved by Mr. Laffin. He did touch on a couple of items that gave me a lot of trouble with this bill at first. Small stores was the main thing, because in my district, I only have one large grocery store; the remainder are all small.

I took a look at the redemption center portion of the bill, and this brought to mind that this bill is only scratching the surface of the major problem, the major problem being solid waste.

With the establishment of the redemption centers, we therefore are establishing a flow line that can be broadened at a later date to handle all of our recyclable materials. Therefore, I do not favor the indefinite postponement of this bill and I do go on record as being in favor of L. D. 1888.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: One thing that has not been discussed here as yet today is the tremendous effect that passage of this will have on our towns, cities and plantations of this state. Even the industries report itself, admits there will be over a \$1 million saving if this bill is passed insofar as solid waste. I would suggest that this figure is definitely low. There will also be considerably more savings than that from litter pickup which will result from this bill.

Municipalities in Maine can expect a significant reduction in solid waste volume if this bill passes. My opponents claim solid waste will be reduced only in a small amount, but they have figured only on a national average, particularly in states which have heavy industry. Maine is essentially a rural state with little industry.

Our percentage of household solid waste, and therefore our percentage of beverage containers, is higher than the national average. In part, this would be attributable to the fact that we have over one-half million summer visitors who come up here for recreation purposes. It is obvious that taking these beverage containers out of the solid waste stream will reduce the solid waste which municipalities are required to dispose of.

Because of a savings to municipalities, both in solid waste disposal and litter pickup, the bottle bill has been endorsed by the Maine Municipal Association and many, many town councils, boards of selectmen, city councils, plantations.

I would like to read to you a letter which was sent to the Business Legislation Committee by the Maine Municipal Association concerning this particular bill.

"I am writing to confirm the fact that the Maine Municipal Association has endorsed the returnable container bill by a nearly unanimous vote of its Legislative Policy Committee which consists of one voting member from each of our 470-member municipalities.

"The Maine Municipal Association Standing Committee on Community Development and Environmental Quality studied the issue for over a period of several months before making a

recommendation to the policy committee that we support the legislation. The measure is important to municipalities from both a litter standpoint and a solid waste standpoint. The Association believes there will be a substantial reduction of both highway litter and solid waste, with no adverse economical effect on the Maine consumers.

"In view of the difficult situation, Maine communities find themselves, with respect to solid waste, this bill provides a good opportunity for the legislature to come to their aid by making it a little easier to comply with federal and state solid waste disposal requirements.

"I sincerely hope that each legislator will take the time to read the study done by the University of Oregon on the state's experience with the same type of program. The report is quite enlightening in view of the multitude of seemingly groundless and even frivolous claims being made by the beverage industry and retailers. Sincerely yours, Lee K. Bragg, Assistant Director, Legal Services, Maine Municipal Association."

I do not know one single city, town or plantation that opposes this bill, not a single one. My own city council in the City of Hallowell unanimously endorsed this bill. Each year, we pick up tons of litter. In fact, our roadsides look like an annex to the city dump. Flip-top caps permeate our sand-out at the recreation area — if you could just see them, the cuts on the children's feet. Yes, we use our first aid kits very, very often out there. This bill would eliminate this danger. There are beaches all over the state. This is a recreation area, and anything we can do to make it more habitable and more enticing to everybody and eliminate this health hazard is an aid, in fact, it is a necessity.

Opponents claim that education, litter levies, are the answer. They haven't been in the past and they won't be in the future, we know this.

For ten years I worked for the State Highway Commission. They spend over a quarter of a million dollars each year to pick up the debris along the roadside. A substantial part of it, in fact the most visible part of it are the bottles, the cans. The bottles and cans, they are the part that really create the big eyesore. I ask you, where does the Maine State Highway Commission take all these bottles and cans they pick up along the roadside? They take them to your local municipal dump, which you, as property taxpayers, have to pay to cover up.

I plan, if this bill passes, to attempt to initiate a redemption center at my own municipal dump. This way, every single grocer in my community would not be bothered with storing bottles. People are going to take them right to the dump where they take their non-returns right now.

It has been claimed that these bottles are dirty. Yes, they are dirty, but they are no dirtier than nonreturnables that people have in their cellars right now waiting to take them to the dump. There is no difference whatsoever.

So I say in closing, if you enjoy trash along the roadside, vote against this bill.

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

Mr. KAUFFMAN: Mr. Speaker and Members of the House: This bill is entitled returnable beverage containers. I worked for five years in the State Park, and it was right during the phase-out of returnable

bottles. I used to pick up from four to six dollars worth of these bottles a month in the woods, not in the garbage containers. I would turn the money into the Little League. The State of Washington, which borders the State of Oregon, put in a mandatory litter fine, \$150. They also had a civic minded campaign to pick up litter in front of your own property. Their litter has decreased within a very few percentage points of the State of Oregon. Florida, some of those counties have a sign \$250 for littering, and they mean \$250. They don't mean the \$10 fine we have in the State of Maine or a five cent fine which some judges have posed. We have laws on our statutes today, if they were strengthened, are adequate, if policed, are adequate to cope with the litter law.

I happen to live a mile from a take-out stand, ice cream, sandwiches and so forth. I am just the right distance to get the empty frappe containers. They are not a sealed container, so I will continue to get them. However, I thoroughly state that we have adequate laws. There is another law on the books that was passed in 1948, compulsory, \$50 fine for throwing a lighted cigarette butt out of an automobile. Yet, I have been in back of many legislator's cars and seen the cigarette butts go out the window, and maybe a bottle was too, I have never seen one. I say that we have adequate laws if properly enforced, and I agree with the gentleman from Westbrook, Mr. Laffin.

Mr. Laffin of Westbrook requested a roll call vote.

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

Mrs. MORIN: Mr. Speaker and Members of the House: I do not feel this bill should be indefinitely postponed just yet, but I do prefer Report "B" to "A".

This bill is supposed to clean up the highways and byways, but unless litter laws are enforced throughout the state, this bill will not be of much help. However, if the bill does pass, towns that have bottling companies will start having more troubles with finding dump sites, as that is where most of these returnables will end up. Report "B" would help a bit in this instance, and I will read both of them.

Report "A" says "Beverage container means a glass, metal or plastic bottle, can, jar, or other container which has been sealed by a manufacturer and which, at the time of sale, contains one gallon or less of a beverage." That is as far as that goes.

Report "B" reads, "Beverage container means a glass or plastic bottle, jar or other container which has been sealed by a manufacturer and which, at the time of sale, contains one gallon or less of the beverage and which can be returned for deposit and refilled for reuse 5 or more times, or a metal can which has been sealed by a manufacturer and which at the time of sale contains one gallon or less of a beverage and which can be recycled and shall be returnable for a deposit of 3 cents or more."

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker and Members of the House: I feel I have to rise in support of the "A" amendment. We had much debate, heated debate, in the committee. In fact, at one point I recall that I had to gag one of my seatmates. I think at the Civic Center, during the hearing, we had a lot of good testimony, and I was waiting for some reasonable alternative that would help us clean up our

state and there really wasn't any. It was suggested that they offer some trash cans to the state, but I really feel committed to this type of legislation.

From my own background, having worked in a market, at one point being in charge of the cage that contained returnable bottles, I spent about a day each week there sorting and arranging for the various beverage distributors to pick up their own brand. It has worked in the past. During a summer holiday, we spent a week at the beach and we ran out of money in the first two days, and we were able to sustain ourselves by picking up bottles during the remainder of the week.

If this law had come up in California, I would say it might not be very profitable, but in Maine, it is such a beautiful state, we have so many streams and beautiful byways that it is a real eyesore to see these bottles on the side of the highway.

During the hearing, I happened to shake hands with a former member of this legislature, Stuart Smith, who is doing a thesis in this area, and he is also a personal friend. At the intermission, I was accosted by one of our grocers who was very irate because I had shown some friendliness towards this member and he thought I was taking a position on the bottle.

I am still waiting for some plausible argument on the other side as to what is the alternative to this type of legislation? It has worked in other states, and I feel that the people who have contacted me feel very definitely that we should have this type of legislation. I strongly urge the members of this legislature to support the amendment "A".

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to do too much debating on this thing this morning, but I did receive a letter that I got in the mail this morning, and I would like to read just a little portion of it.

It says, "As an elected Representative, you are expected to vote the way the majority of your constituents want. Voters will be reminded at election time how you voted on this bill and how well you represented them." This is wonderful. Let me say to you, I have received at least ten times as many signatures against it as I have for it. So I think you understand how I am going to vote.

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

Mr. MILLS: Mr. Speaker, there is one question bothering me, and that is the one on 1888 down on one. As I read and interpret this, it will be any kind of a container that contains a fluid, beer, ale or any other drink produced from any malt. Nobody seems to have offered any figures as to what it is going to cost the State Liquor Stores to handle this proposition. Do we have any of these figures available?

The SPEAKER: We have with us members of the Polish Wrestling Team and they have been here for some time, as a matter of fact, since ten o'clock, waiting for us to get through this debate. Unfortunately, it appears it is going to continue for some time. Even though I hate to do it in this fashion, I will do it, since they will be leaving. I am going to interrupt the debate at this point and ask them to please come forward and to be introduced to the members of the House.

Thereupon, the Sergeant-at-Arms escorted the Polish Wrestling Team,

accompanied by Barbara Hamaluk, to the rostrum amid the applause of the House, the members rising.

The SPEAKER: On behalf of the Maine Legislature, I would like to welcome the Polish National Junior Wrestling Team, a group of ten boys of high school age chosen by the Polish Wrestling Federation for their outstanding performance in this sport. The boys with their leader and coach have been touring the eastern states for approximately a month. Maine is their last stop. They wrestled at Rumford High last night and will be at Bath Junior High tomorrow night.

The tour is part of a cultural exchange program sponsored by the National Amateur Athletic Union to promote international goodwill among young athletes. A team from Maine will be going to Switzerland in June.

Barbara Hamaluk is going to introduce each of the boys by name and is going to welcome them on my behalf and on your behalf to this state. Since my Polish is very poor, I hope, Barbara, that you will apologize for that, and would you please proceed to introduce each one.

BARBARA HAMALUK: First is the leader, Mr. Tadeusz Lenert and the coach, Mr. Jerzy Lipski. Now the boys — this is from the lowest weight category to the highest. First is Mieczyslaw Cichowski, Marian Skubacz, Janusz Kozioł, Leszek Kownacki, Krzysztof Jasinski, Stanislaw Chlinski, Czeslow Kusmider, Bronislaw Pilniewski, Tomasz Busse, Grzegorz Kot. (Prolonged applause)

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I had no intentions of speaking on this bill this morning. I didn't realize we were going to debate it at this length. However, I do have a point or two I would like to bring out that haven't been touched upon.

First of all, like many of you here in the House, I favor stopping littering along our highways, but I don't think it should be limited to just beverage containers. I think it should involve all the trash we find along the highways.

I took the liberty of taking a ride on 201, which I don't do very often, on my way back home, and I drove at a slower pace than I normally do, and I was trying to observe what I could see along the ditches. I saw everything from whiskey bottles to oil cans, transmission oil cans, plastic milk bottles, plastic cups, gasoline cans and so on and on. True, the bulk of it was beer cans and the beer bottles, but when you stop and realize why you see so many of those along the highway, I think it is not too difficult to rationalize that one of the prime reasons is that if you were caught speeding or if you have an accident and they find an open beer bottle or beer can in your car, it is usually prima facie evidence that you have been drinking. I think this is one of the biggest reasons why we find so much of that stuff along the highways.

Now, it has been mentioned here that nobody believes there are any alternatives to this problem. I think there are. I think most of you will agree that we can't go on forever using up our resources as we do, and throwing them away. The answer lies in recycling. I don't mean just recycling beer cans and beer bottles. I think we should recycle everything that we can. For example, newspapers can be recycled and the going price, I understand, is \$40 a ton. Aluminum can be recycled, and I

understand the price range is anywhere from \$140 to \$300 a ton.

I took the liberty of taking an aluminum beer can and putting it on the scale and much to my surprise, I found that nine 12-ounce beer cans amount to a pound. The pound of that type of a can is worth 14 cents on the market. The problem is in Maine, we don't have any collection centers to take up this material and recycle it. The same thing can be done with glass. I don't believe that we can do this forever, just keep throwing our resources away, we have got to do something towards recycling.

If this bill does not pass, I have an order here already prepared calling for a study on the feasibility of establishing a state-wide authority like they have in Massachusetts on recycling. I think this is the direction we should be going in.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, 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 — Berube, Call, Carey, Carter, Cote, Curran, R.; Curtis, Driogtas, Dudley, Durgin, Dyer, Farley, Fraser, Gauthier, Jacques, Jalbert, Kauffman, Kelleher, Laffin, LeBlanc, Lewis, Lizotte, MacEachern, Martin, R.; Maxwell, Norris, Peterson, P.; Raymond, Rideout, Truman, Twitchell, Usher, Walker.

NAY — Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cox, Curran, P.; Dam, Davies, DeVane, Doak, Dow, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelley, Kennedy, LaPointe, Laverty, Leonard, Lewin, Littlefield, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, A.; McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Tyndale, Wagner, Webber, Wilfong, Winship.

ABSENT — Albert, Spencer, Strout.

Yes, 33; No, 113; Absent, 3.

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

The pending question now before the House is on the motion of the gentlewoman from Freeport, Mrs. Clark, that the House accept Report "A", "Ought to pass." A roll call has been ordered.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Berry, G. W.; Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cox, Curran, P.; Davies, Dudley, Dyer, Farnham, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kany, Kennedy, LaPointe, Laverty, Leonard, Lewin, Lewis, Littlefield, Lunt, Mackel, Mahany, Martin, A.; McKernan, McMahon, Miskavage, Mitchell, Morton, Mulkern, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tyndale, Wagner, Wilfong, Winship.

NAY — Bennett, Berry, P. P.; Berube, Bustin, Call, Carey, Carpenter, Carroll, Carter, Cote, Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Driogtas, Durgin, Farley, Faucher, Fenlason, Fraser, Garsoe, Gauthier, Hall, Hennessey, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Laffin, LeBlanc, Lizotte, Lovell, Lynch, MacEachern, MacLeod, Martin, R.; Maxwell, McBreairty, Mills, Morin, Nadeau, Norris, Perkins, T.; Peterson, P.; Raymond, Rideout, Silverman, Talbot, Tozier, Truman, Twitchell, Usher, Walker, Webber.

ABSENT — Albert, Spencer, Strout.

Yes, 89; No, 57; Absent, 3.

The SPEAKER: Eighty-nine having voted in the affirmative and fifty-seven in the negative, with three being absent, the motion does prevail.

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

Divided Report Tabled and Assigned

Six Members from the Committee on Energy on Bill "An Act to Require Legislative Approval for the Construction of a Nuclear Power Plant Used by a Public Utility to Generate Electricity" (H. P. 1261) (L. D. 1555) report in Report "A" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. TROTZKY of Penobscot
ROBERTS of York
CIANCHETTE of Somerset
— of the Senate.

Mrs. DURGIN of Kittery
Messrs. FARLEY of Biddeford
JACKSON of Yarmouth

— of the House.

Five Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-407)

Report was signed by the following members:

Mrs. BYERS of Newcastle
Messrs. DAVIES of Orono
CONNOLLY of Portland
KELLEHER of Bangor
BENNETT of Caribou

— of the House.

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass"

Report was signed by the following members:

Messrs. GREENLAW of Stonington
TORREY of Poland

— of the House.

Reports were read.
On motion of Mr. Rolde of York, tabled

pending acceptance of any Report and specially assigned for Thursday, May 22.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-409) on Bill "An Act to Prohibit the Plugging of Lobsters" (H. P. 1075) (L. D. 1355)

Mrs. CUMMINGS of Penobscot
Mr. BERRY of Cumberland
— of the Senate.

Messrs. GREENLAW of Stonington
JACKSON of Yarmouth
CURTIS of Rockland
CONNERS of Franklin
MILLS of Eastport
JENSEN of Portland
BLODGETT of Waldoboro
— 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. REEVES of Kennebec
— of the Senate.

Messrs. MACKEL of Wells
WEBBER of Belfast
Mrs. POST of Owls Head
— of the House.

Reports were read.

On motion of Mr. Greenlaw of Stonington, tabled pending acceptance of either Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-408) on Bill "An Act to Establish a Restaurant Concession at the Ancient Pemaquid Restoration Site in the Town of Bristol" (H. P. 1416) (L. D. 1718)

Report was signed by the following members:

Messrs. O'LEARY of Oxford
WYMAN of Washington
— of the Senate.

Messrs. PETERSON of Windham
CURRAN of Bangor
McBREAIRTY of Perham
BLODGETT of Waldoboro
DOAK of Rangeley
AULT of Wayne
CHURCHILL of Orland
HALL of Sangerville
WILFONG of Stow

Mrs. HUTCHINGS of Lincolnville
— of the House.

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

Report was signed by the following member:

Mr. TROTZKY of Penobscot
— of the Senate.

Reports were read.

On motion of Mr. Blodgett of Waldoboro, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-408) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" on Bill "An Act Concerning the Registration and Operation of Snowmobiles" (H. P. 845) (L. D. 1030)

Report was signed by the following members:

Messrs. McNALLY of Hancock

PRAY of Penobscot

— of the Senate.

Messrs. TOZIER of Unity
USHER of Westbrook
MacEACHERN of Lincoln
MARTIN of St. Agatha
MILLS of Eastport
KAUFFMAN of Kittery
WALKER of Island Falls
PETERSON of Caribou

— of the House.

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

Report was signed by the following members:

Mr. GRAFFAM of Cumberland
— of the Senate.

Messrs. DOW of West Gardiner
CHURCHILL of Orland
— of the House.

Reports were read.

Mr. Mills of Eastport moved that the House accept the Majority "Ought to pass" Report.

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

Mrs. BERRY: Mr. Speaker and Members of the House: would ask for a division. The Maine Snowmobile Association is very much against this bill. I hate to say too much about it today, but I had more calls on this bill than most bills, and I would like to say that the minority report be accepted.

The Maine law is very well accepted by snowmobilers. This bill would allow the snowmobilers to go 500 yards on the highways within the state. If this is done, there would be no control over them. As it is now, this can't be done. It would have to be policed more. Under the present law, if a snowmobiler is found on the highways, something can be done about it. But if they have the privilege of going 500 yards, who is to say — how many here in the House know exactly how much 500 yards is. There could be quite a debate over this, and it would have to be policed.

There are other things in the bill that the Maine Snowmobile Association doesn't go along with, and I am sure that you have all had the material on your desks and I will not go into it, but I would like to request a division on this and I would hope that you would turn down the "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 will be very brief because we have had a busy morning, but I got some calls out of Aroostook County this morning to be exact and they seem to favor this bill. Prior to this, I haven't had any but it seems to me when the last day gets here, I begin to hear from a few and I hope you will go along with the motion before the House.

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

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: I believe if I was to claim to be an authority on any one thing, it would be snowmobiling. Folks in Aroostook County who don't know or cannot pronounce my name, call me Mr. Snowmobile. I believe I helped organize the first snowmobile club in the State of Maine. I have been a member and a director of the Maine Snowmobile Association almost since its beginning. I have been a member of the

United States Snowmobile Association for several years. I was race director for a group of racing fans in Aroostook County for 7 years. While race director, we held snowmobile races in Caribou, Limestone and Presque Isle. The profits from these races furnish thousands of dollars in scholarships for needy youngsters from Island Falls to Allagash.

I spent three days here in Augusta back in 1967 and helped write some of the first major snowmobile legislation ever passed. In 1971, the 105th Legislature, appointed an interim study committee to study the problems of snowmobiling in Maine. In 1973, the committee recommendations were introduced and passed by the 106th Legislature. Basically, the results of this legislation was good. Like L. D. 1994, the Consumer Credit Code and many other new laws, I don't think it is strange or unreasonable that many of us feel changes should be made to correct several inequities in our present snowmobile laws.

I first decided L. D. 1030 was needed after receiving a six-page, legal opinion, written by Charles Cragin on Chapter 304 of Title 12 of the revised statutes, our present snowmobile law. L. D. 1030 was carefully drafted with the cooperation of the Attorney General's Office, Transportation Department, judges, game wardens and many experienced snowmobilers. L. D. 1030 does not, basically, change our present snowmobile law. L. D. 1030 will tighten up and clarify the road privilege use we have now. It also will change one section which, according to the best legal opinions I can get, including the Attorney General's Office, quite probably is unconstitutional. In the last few days, a few Maine snowmobiler association officials have been urging members and legislators to oppose this legislation by raising completely false and irrelevant issues and fears, matters which are not contained in the bill and which have never been discussed by the committees.

My wife and I are still enthusiastic snowmobilers. We have bought, up to present time, 12 snowmobiles. My 81 year old father-in-law, my grandchildren, many of my constituents and friends throughout the state are snowmobilers. With the experience that I have had and the facts that I have given, I hope no one feels I would help write snowmobile legislation which would endanger or take away privileges from any snowmobiler.

L. D. 1030 was reported out of committee with a majority of 10 to 3 "Ought to Pass." Part of it was written and approved by the Department of Transportation. The committee received a letter of approval from the Northern Maine Planning Commission, who has been given an \$18,000 grant from Parks and Recreation to complete a study on snowmobiling and trails. The committee received a letter of approval from Judge Turner, Presque Isle, and the Houlton Fish and Game Club. At a Maine Snowmobile Association Regional meeting held in Presque Isle and conducted by Ed Armstrong and Bev Rand from MSA on April 20th, L. D. 1030 was thoroughly discussed and voted favorably on by nearly all the snowmobile clubs in Aroostook County. I was told by several game wardens, including John March, that they favored the bill. After thoroughly going over L. D. 1030 with Captain Jones of the Maine State Police, he gave me permission to tell anyone I wished that he favored my bill.

I would appreciate very much the acceptance of the Majority "Ought to Pass" Report.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This isn't particularly my orbit, but I did get some calls from people in my area who represent snowmobile organizations, quite a few of them, and they reminded me about how many of them there were out there and that I ought to be careful about this, but information they gave me indicated that they didn't understand what the bill involved. They were concerned about this 500 yards along the highway question. The point is, as the law reads right now, you have to take the shortest way to get to your destination but there is absolutely no limit. You could go 1000 yards along the highway if that was the shortest way you have to get anywhere.

What this bill does, if we are concerned about people riding along side of the road too far, then this bill ought to be something we should support because it puts a limit. It says, "properly registered snowmobiles may operate only the distance necessary," which is what the law says now, then it goes to say, "but in no case to exceed 500 yards on the right hand side of the public way." So, this puts an upper limit on it, so if that is what we are concerned about, the safety factor, then I think this is a good reason to support this and the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support Mr. McBreairty in the "Ought Not to Pass". I received a letter that made me think about this from one of my constituents in Wellington. It says, "I support your feelings and the clarifications and distance that one is able to travel on a public way for snowmobiling, it is certainly needed. This winter I paid a fine of \$50 for traveling approximately 35 feet in the road and I was on a marked trail. Some game wardens will allow this and some won't. Also, some will allow traveling between the plowed banks of a road and the woodsline after dark and the other places won't allow it. I think it is a very unfair way of doing things. I hope the law enforcement will get together on the laws and enforce them all the same." I was telling him, I said, that makes me mad; he said, if it makes you mad, what do you think it made me?

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to mention that when this bill came out, I went over it point by point with the snowmobilers in my area and they agreed they thought this was an excellent piece of legislation, something that was well worthwhile, and they are all members of the Maine Snowmobile Association.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Just for a moment, I do want to go on record as saying that I believe there is no one in this House or in this Legislature that has devoted more of his time to snowmobile laws than Representative McBreairty. I think that, actually, those who oppose this bill do not really understand what the

gentleman is trying to accomplish. The law, itself, is very complicated and very conflicting. I think his job is one that has been well done and I hope that we will go along this morning with the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read a letter that the Chairman of the Fish and Game Committee received from Judge Turner, District Judge, Houlton, Maine. Dear Senator McNally: I have received a copy of L.D. 1030, which is to be heard by your committee on April 17th. This bill appears to be clearly written and does prove and clarify the present snowmobile law. I think it should be reasonably easy to understand and administer so far as the public, the law enforcement and the courts are concerned. I have been a District Court Judge for about 12½ years, was a Municipal Court Judge for 4 years before that and have had many snowmobile cases before me, as the growth of snowmobiling has developed and as the laws covering the same have expanded. Based on this experience, it is my opinion that your committee should report favorably on L.D. 1030 as an important improvement of the present statute. Respectfully yours, Julian W. Turner.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat in the same situation as the gentleman from Bangor, Mr. Henderson, it is a little bit out of my realm. I have lived in Aroostook all my life, I have been on a snowmobile once. I have a letter here from a man in Houlton who is president of the Fish and Game Club, who probably ranks in the top five next to Mr. McBreairty, as knowledgeable about snowmobiling and their laws.

I am not going to bore the people of the House with the letter, but all I would like to say is that the letter very simply says that he is amazed at the testimony and the "misleading and actually untrue testimony given by" and I won't go into that, it is not necessary, "from the Maine Snowmobile Association in opposition to this bill." Knowing the gentleman as I do, the gentleman who wrote this letter, and knowing the gentleman from Perham, as I do, I think we, who don't know that much about snowmobiles, can accurately follow his lead in this field. I would just like to emphasize the amount, tremendous amount, of time, research and effort that Mr. McBreairty has put into this to better understand and better clarify our snowmobile laws.

I urge the acceptance of the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Albert.

Mr. ALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go on record as supporting L. D. 1030. We have quite a group in Limestone, snowmobiling club, and they called me and they hoped that we would support Mr. McBreairty's bill.

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

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I want to speak to

you as House Chairman of that committee. There were a lot of hours of study put into this bill, there was a lot of time and testimony taken after we had heard the bill from people who wanted to correspond with us and that was carried out.

The statement that I will make to you is this, that as far as I can personally determine, there are 6 to 7 people, who organize as a clique, some are in the Maine Snowmobile Association, in opposition to this bill. What their reason is I do not know but I know that they worked every trick in the book to try to defeat this bill. I consider this bill a very strong bill to clarify and protect the people that really run the snowmobiles.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: It has been some time since I have had an occasion to agree with the other Berry in the House and I am happy to be able to do that today.

I have had a good many calls concerning this piece of legislation and I am not sure whether these came from officials of MSA or whether it was kind of a mixed bag of calls, but one of the things that people in my area are concerned about is the section that deals with reciprocity and they are concerned that people from Massachusetts, some of the other nearby states, will come in and ride their machines on the trails that they have worked to build and to maintain and I think that bothers them more than anything else in the whole bill. They are somewhat concerned about the 500 yards; they do think that is too long, even though the law made no restriction at all before. I am not certain just what would be a proper distance for crossing the highway but in a congested areas and certainly in York County there are many congested areas and 500 yards probably would be a long distance in areas that are so congested as that.

I would also wonder whether or not there would be a loss of funds due to reciprocity. It would seem to me that some number of snowmobiles are now coming into the State of Maine and under the law they have to register to run here, and if we did engage in reciprocity, I would think that probably might be a loss of income and I would like to hear about that possibly from one of the sponsors.

I think I will probably support the "Ought Not to Pass" and I would urge as many of you that can do it to please do it.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House I would probably be a little remiss where I signed the "Ought Not to Pass" Report, if I didn't say a few words. My objection was just what Mr. Berry has just brought up, reciprocity. There are some states that do not require you to display any license plate or numbers and I mentioned this to Representative McBreairty, that it would be very difficult to collect or prove that this snowmobile was registered or should be registered. For instance, my own relatives come here from another state and they do not have to display any license plate or number. Now, all I have to do is turn my snowmobile over to them, or anyone else that has a relative from one of these states, and they can run this snowmobile free without any registration. All they have to do is say that this belongs to so and so from one of these states.

Also, on the road running portion of it, I feel that in Aroostook County, this is probably very true, what he is trying to do,

but in a built up area, I dislike the distance they are allowed to run because I feel they can go from driveway to driveway and from one place to another and if there is no officer in sight, why, they can go an unknown distance and also I think it will make more work for the State Police. As it is now, mostly the game wardens have to watch this. Naturally, I feel that Transportation Department would be in favor of this because it will turn more authority over to them.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: As another signer of the Minority "Ought Not to Pass", I would like to make a couple of comments also on the bill.

As I see this bill, it looks to me like it is bill for change sake only. It does loosen up some of the areas and one of them Mr. Hall touched on. There is now a \$50 minimum fine if you are caught running the roads. This will eliminate this \$50 fine, it will drop it down to a minimum of \$20. I really think this has been one of the reasons why our safety factors on the snowmobiles has been much better than most states. We have a safety factor percentage rate a lot less than most of the states in the area. I really think the \$50 fine should stay in there.

I also spoke to a number of clubs. Of course, the clubs that I spoke to were not in Aroostook County, everyone that I spoke to happened to be against the bill. I also have about 80 signed petitions from other clubs throughout the state that are also against the bill.

As I said before, I really think the bill loosens up the safety aspect of the old law and is for change sake only and I hope you will go against the "Ought to Pass" and I ask for a roll call when the vote is taken.

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

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: There are two or three sections of this that I am going to make an attempt to explain and show you the difference between my bill and what we have now.

Road crossing, I will take this first. The law now reads that properly registered snowmobiles may cross as directly as possible, public ways including sidewalks, bridges, culverts, underpasses, and overpasses. Now, that takes in every underpass and overpass in the State of Maine. This is why that Mr. Mallar of Transportation wanted to have the bill and write up his own section of this bill. This is so broad that there is no way of anyone interpreting just what we have for a privilege. If there is a bridge in a four mile stretch of woods, this says if I cross that directly as possible, I can do so.

In the bill, Mallar's writeup on it, in this crossing of overpasses on 95, this was put in a few years ago because it is pretty awkward to live on one side of 95 and not be able to cross. Now, I have taken my own automobile and I have measured some of these overpasses and you have to drive at least a half a mile with the guardrail in the four lanes to get to flat country on either side. So, we do drive now up to a half a mile or more on 95 to cross over. Mr. Mallar separated this out and says that properly registered snowmobiles may cross control access highways by using bridges over or roads under such highways. The commissioner may issue a special permit, which he has a right to do now.

On our other ways, we say properly registered snowmobiles may operate only the distance necessary but in no case exceed 500 yards. The reason for the 500 yards being put in there is because we now have the right to cross bridges, and we need this much in order to continue to do so. This puts a limit on it, to use the distance necessary but in no case exceed.

We have added another section to this that we feel makes it more — prevents you from riding the road further. It says the intent of the exceptions in this chapter is to give snowmobilers a limited right to operate on the highway for the sole purpose of by-passing obstructions where other means of passing at present is not possible.

This plainly states that if you are able to operate at all outside the highway, you just don't go near it.

I am going to take reciprocity — reciprocity now is offered to New Hampshire, Vermont, Quebec and New Brunswick. This, according to the legal opinion or the best legal opinions that I can get, including the Attorney General's Office, is unconstitutional because it is an equal protection under the law.

I would like to read you a section of the 14th Amendment. The 14th Amendment prohibits a state denying to any person within jurisdiction the equal protection of the law. The words seem so plain as to exclude the need of refinement in interpretation. Though prohibitive, they contain a necessary implication of a positive right, the right of equality before every law, the right of the citizens to be free in any state from unjust discrimination between him and other persons as to legal rights and duties, such as the plain meaning of the amendment. The phraseology does not prevent reasonable classification so long as all within a class are treated alike. It does prohibit arbitrary discrimination between persons of fixed classes of person. I feel that if people from Quebec are allowed to come here and ride on the registration, people from Vermont are allowed, that my brother from Connecticut should have the same privilege and is entitled under the Constitution to the same privilege.

Mr. Churchill mentioned that somebody could come in and ride with an unregistered sled from out of state or somebody in this state could ride that sled.

I will read my reciprocity clause. It says here reciprocity shall be allowed nonresidents from all states, provinces or districts which allow similar privileges to residents of their state, providing they are covered by a valid registration from said state, province, county or district. Now, this says if they are from a county or district that doesn't register, they would not have a valid registration and they could not operate here. If the snowmobile is owned by a nonresident, this answers his other question, but is primarily operated by a Maine resident, it must be registered section 1972. Nothing in this section shall construed to authorize the operation of any snowmobile described in any manner contrary to this section.

While I am close to it I am going to mention another section, then I want to go on the fine.

There is a section in this law, when the law is written up, you know, it is kind of nice to tell people what it applies to. This is so you will know where you are breaking it. Section 1981, Application — this says this chapter shall apply to the operation of snowmobiles on brooks, streams and great

ponds. Now, this throws real doubt as to whether this law applies to anything else but the operation on brooks, streams and great ponds. We have changed this section to read, this chapter shall apply to the operation of snowmobiles in all areas which come within the jurisdiction of the state.

I am going to take the fine, the penalty. I want you to listen to this one. The fine, this chapter shall be punished — the fine on this is not less than \$20 nor more than \$50 and costs, or by imprisonment of not more than 90 days or both. Imagine that on this complete chapter on somebody out here trying to have a little recreation with a snowmobile. Possibly he might be caught on the highway where a kid with a bicycle could be or a person could be walking or you could be riding a motorcycle or anything else. I am not in favor of riding on the highway, but I am in favor of defining it, so when I am touched on the shoulder and says I am breaking the law, I and the officer will both know that I am doing it.

Added to this 20 minimum, 500 maximum cost, on top of that it was added a couple of years ago a \$50 minimum for riding on the highway. I know many people in my area that have been given a summons. According to the way this law is written, they were doing this as directly as possible, as far as they could tell, but they were given a summons and taken to court and they had a choice of paying a lawyer \$50 to clear them and prove them innocent or pay the \$50 fine. Just for the fun of it, I offered to pay the fine if they got beat and I haven't lost a case yet, because the way this law is written, you couldn't convict anybody.

As far as MSA and the calls you have got, here is a document that I put on your desk and I will read a little bit of it. It says, "If we are to have snowmobiles traveling 500 yards on the highway — now think of this, we are crossing State 95, the turnpike, which in many cases takes a half mile, I have measured it. We are crossing bridges that take 500 yards, I have measured them, that is the reason for the 500 yard limit, so we could take in the bridges and no more. They say if we are to have snowmobiles traveling 500 yards on our highways all across the state, then the argument that we used three years ago to get our gas tax money back is pretty diluted. Well, it seems that if we cross these overpasses and travel a half mile, it must be pretty well diluted. If snowmobiles are going to use the roads, then they must pay taxes to use these roads.

Right now it says we can cross bridges, overpasses and underpasses if we do it as directly as possible. It seems as though that would have to require the use of the roads. If snowmobiles are going to use the roads, then they must pay taxes to use these roads. As we said, some things look pretty good on the surface, but when you start looking more closely at it, then you begin to see the other side.

Let me read you another little section here. It says, not that some sections of 1030 were not clarified — now they admit that they are clarified — in the nature to the present snowmobile law but mostly for two reasons. First the present snowmobile law is clearly quite adequate and really hasn't been given a chance to prove its weak areas. Yet, secondly, once this bill gets out of committee and onto the floor of the House, all sorts of amendments could be added to it, including mandatory helmets, municipal rule and possible excise tax on

snowmobiles. After all, if 1030 says a snowmobile is allowed to travel 500 yards on the road, then it is most likely that snowmobiles could be redesigned as a motor vehicle with all the added taxes and so on.

Now, this had a question here on the bottom and says, let us know how you feel about this bill, seeing that it is going to do all these things.

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 Eastport, Mr. Mills, that the House accept the Majority "Ought to Pass" Report on Bill "An Act Concerning the Registration and Operation of Snowmobiles," House Paper 845, L. D. 1030. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berube, Blodgett, Boudreau, Burns, Bustin, Byers, Call, Carey, Carpenter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dudley, Durgin, Dyer, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hutchings, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, Leonard, Lewin, Lewis, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McKernan, Mills, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Silverman, Smith, Snow, Snowe, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship.

NAY — Berry, G. W.; Berry, P. P.; Birt, Bowie, Carroll, Carter, Churchill, Conners, Dow, Hunter, Immonen, Littlefield, Morin, Shute, Truman.

ABSENT — Drigotas, Farley, LeBlanc, Lizotte, McMahon, Norris, Spencer, Strout.

Yes, 126; No, 15; Absent, 8.

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

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

**Consent Calendar
First Day**

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

Bill "An Act to Provide a Cost-of-Living Increase to Supplemental Security Income Recipients" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" (S. P. 349) (L. D. 1149)

Bill "An Act Clarifying the Right to

Appeal from Final Decisions of the Public Utilities Commission" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-150) (S. P. 379) (L. D. 1230)

Bill "An Act Relating to the Statutes Concerning Licensing of Dogs" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-155) (S. P. 351) (L. D. 1151)

Bill "An Act Relating to Unlawful Discrimination in the Extension of Credit" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-412) (H. P. 337) (L. D. 420)

Bill "An Act Appropriating Funds to the Advisory Council on the Status of Women" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-413) (H. P. 1138) (L. D. 1432)

Bill "An Act to Realign and Clarify Administrative Responsibilities in the Bureau of Banks and Banking and the Bureau of Consumer Protection" — (Emergency) Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-414) (H. P. 714) (L. D. 890)

No objections having been noted, the above items were assigned to the Consent Calendar of May 21 under listing of Second Day.

Tabled and Assigned

Bill "An Act to Increase Certain Volume Fees under the Maine Consumer Credit Code" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-415) (H. P. 1251) (L. D. 1532)

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

On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 22.

Bill "An Act to Provide for Date of Election on Applications for Absentee Voting" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-417) (H. P. 796) (L. D. 969)

Bill "An Act to Provide for Specimen Ballots Written in the French Language" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-418) (H. P. 1132) (L. D. 1424)

Bill "An Act Relating to Verifying Facts Supporting the Eligibility of Applicants for Aid for Families with Dependent Children" — Committee on Performance Audit reporting "Ought to Pass" as amended by Committee Amendment "A" (H-419) (H. P. 1467) (L. D. 1726)

Bill "An Act Creating the Maine Pesticide Control Act of 1975" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-420) (H. P. 653) (L. D. 826)

Bill "An Act Relating to the Officials, Judges and Starters at Harness Horse Race Meets" — Committee on Agriculture reporting "Ought to Pass" (H. P. 1256) (L. D. 1552)

Bill "An Act Relating to Payments to Nursing Homes" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" (H. P. 1397) (L. D. 1715)

Bill "An Act Relating to Dogs" — Committee on Agriculture reporting "Ought to Pass as amended by Committee Amendment "A" (H-416) (H. P. 1353) (L. D. 1630)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 21, 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 Clarify the Jurisdiction of the Juvenile Court in Matters Arising under the Boating Laws" (H. P. 948) (L. D. 1186)

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

Bill "An Act Concerning the Employee Uniform Requirements at the Maine State Prison and the Men's Correctional Center" (H. P. 1030) (L. D. 1521)

Bill "An Act Converting Hamlin Plantation into the Town of Hamlin" (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" (H. P. 1515) (L. D. 1841)

(H. P. 1534) (L. D. 1855) Bill "An Act to Repeal the Act to Incorporate the Parsonsfield Kezar Falls Village Corporation in the Town of Parsonsfield"

(H. P. 562) (L. D. 701) Bill "An Act Relating to Absentee Balloting in Municipal Elections" (C. "A" H-385)

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

(H. P. 699) (L. D. 875) Bill "An Act to Require Notification of Assistance to Indigent Persons" (C. "A" H-389)

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

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-389) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 958) (L. D. 1206) Bill "An Act to Authorize the Delegation by the Board of Environmental Protection of Certain Actions to the Department of Environmental Protection" (C. "A" H-398)

(H. P. 1296) (L. D. 1567) Bill "An Act Concerning the Income Requirements for Class A Restaurants under the Liquor Statutes" (C. "A" H-380)

(H. P. 266) (L. D. 313) Bill "An Act Relating to Suspension of Employees of State Institutions with Pay Pending Disposition of Criminal Charges" (Emergency) (C. "A" H-381)

(H. P. 1213) (L. D. 1527) Bill "An Act to Provide for State Reimbursement of Local School Administrative Units Which Send Pupils to Secondary Vocational Schools, Located Outside of Maine" (C. "A" H-386)

(H. P. 1167) (L. D. 1523) Bill "An Act Requiring Employers to Give Employees a Written Statement of the Reason for Termination of Employment" (C. "A" H-401)

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

(H. P. 1236) (L. D. 1541) 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" (C. "A" H-402)

On the request of Mr. Tierney of Durham, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-402) was read by the Clerk.

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

House Amendment "A" to Committee Amendment "A" (H-411) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading tomorrow.

(H. P. 1126) (L. D. 1403) Bill "An Act to Increase the Statutory Limitation on the Accumulation of Tax Revenues in the Maine Coastal Protection Fund to Ten Million Dollars" (C. "A" H-400)

(H. P. 1387) (L. D. 1692) Bill "An Act Concerning Off-duty Court Appearances by State Police Officers" (C. "A" H-392)

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

Passed to Be Engrossed

Bill "An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services" (S. P. 202) (L. D. 669)

Bill "An Act to Increase Exemptions for the Inheritance Tax and to Increase the Inheritance Tax Rate" (H. P. 367) (L. D. 461)

Bill "An Act to Validate Certain Acts of the Town Clerk of the Town of Brunswick" (Emergency) (H. P. 1507) (L. D. 1838)

Bill "An Act to Exempt New Machinery, Equipment and Supplies Used in Agricultural Production from the Sales Tax" (H. P. 386) (L. D. 479)

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

Amended Bills

Bill "An Act to Provide for Citizen Gardens on Suitable State Land" (Emergency) (H. P. 1294) (L. D. 1574) (C. "A" H-395)

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

Second Reader

Tabled and Assigned

RESOLUTION. Proposing an Amendment to the Constitution to Provide for Direct Initiative for Proposed Amendments to the Constitutions (H. P. 1421) (L. D. 1806) (C. "A" H-397)

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I just want someone to give me a thumbnail sketch of what this does.

The SPEAKER: The gentleman from Farmington, Mr. Morton, poses a question though the Chair to any member of the House who cares to answer.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: The sponsor of this L. D. is not present today; I would like to have it tabled for one day please.

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

Bill "An Act Relating to Certain Overtime Exemptions Under Minimum Wage Law" (H. P. 401) (L. D. 490) (C. "A" H-393)

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) (C. "A" H-378)

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

Bill "An Act Amending the Law Regulating Municipal Debt" (H. P. 1184) (L. D. 1482) (C. "A" H-391)

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

Mr. MacEachern of Lincoln offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk and adopted.

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

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

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

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

Second Reader

Tabled and Assigned

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

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

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

Passed to Be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to the Borrowing Capacity of East Range II Community School District (H. P. 1560) (L. D. 1870)

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

engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to Regional Solid Waste Collection and Disposal Service (S. P. 128) (L. D. 414)

An Act Relating to Closing Costs under the Maine Consumer Credit Code (S. P. 218) (L. D. 717)

An Act to Authorize Knox County to Raise \$700,000 for Construction of a County Jail and a District Court Facility (S. P. 285) (L. D. 995)

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

An Act Concerning Publication and Public Inspection of Executive Orders (S. P. 449) (L. D. 1508)

An Act Relating to the Valuation of Farmland (H. P. 550) (L. D. 678)

An Act to Repeal Exclusions Granted under the Consumer Credit Code to Certain Loans Made by Supervised Financial Institutions (H. P. 606) (L. D. 749)

An Act to Facilitate the Collection of Real Estate Taxes on Mobile Homes (H. P. 672) (L. D. 847)

An Act Relating to the Exclusion or Modification of Warranties on Used Consumer Goods (H. P. 810) (L. D. 999)

An Act to Clarify the Power of the Commissioner of Transportation and the Chief of the Maine State Police to Regulate Speed Limits (H. P. 905) (L. D. 1104)

An Act Regarding Late Payment of Insurance Claims (H. P. 930) (L. D. 1156)

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

An Act Concerning Candidates for Public Office who are Running as Independents (H. P. 953) (L. D. 1192)

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

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

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: I still feel that this bill is simply harassment of Independent candidates and I would just like to know when the party people in this House are going to learn that in order that to win elections they have to put up good candidates and candidates that will work hard and acceptable to the public, so Mr. Speaker, I move for Indefinite Postponement of this bill, and all its accompanying papers.

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

Mrs. BOUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the motion on the floor. All this bill does, is say that if you are running as an Independent candidate, you must be listed as an Independent for three months before you run, and this, in no way, is doing anything to anyone who is now an Independent.

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

Mr. CALL: Mr. Speaker and Members of the House: Even though an amendment dilutes the bill considerably, we should defeat the entire proposal as being unnecessary and unwise legislation. I asked the sponsor, Mr. Faucher of Solon, the other day if he was trying to present more bills than one certain other Representative in this House and his reply spoken with much pride was "I have filed 50 bills". That was two months ago. He certainly must have about 65 bills by now. When opposing a certain bill, the gentleman from Solon stated that we have too much proposed legislation this session and that we must defeat much of it. I say one item we should defeat is Legislative Document 1192.

As I have said before, too many registered voters do not exercise their voting privilege now. Foolish bills relating to elections will increase voting apathy. Is that what the proponents of this legislation want?

A few years ago, in my city, there were three elections within five weeks. The first election was on a state referendum question; the second election was the regular November state election; the third election was the municipal election featuring many contests, an unusual situation, but many people did not go to the polls despite the fact that this was the most important of the three elections. They used the argument that they were being asked to vote too often in too short a period of time. I beg the members of this House to go along with the motion to Indefinitely Postpone L. D. 1192 and if the motion to postpone hasn't been made, I will make it.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: There have been several bills of this nature in before the legislature this session. Maybe it is because of some of the situations that happened in the last election but certainly the actions of the Election Laws Committee in referring these bills out and trying to set a definite standard whereby all candidates will run from the same type of a program was not intended or at least certainly wasn't on my part, directed against any particular one individual or any group of individuals.

I think one thing that has come up is the change in the ballot going to the office type ballot has changed a great deal the ballgame. Right now, Independents can register and their names will be right in line with the other candidates. It used to be that they were over in a separate row all together. It was much harder for an Independent to acquire votes. I think I am positive that the feeling of most of the members of the Election Laws Committee on all of those bills is, let's adopt a standard set of rules whereby members of each of the two major political parties and members who are un-enrolled, who might want to get on the ballot, all have to conform to the same set of rules. By any other standard, why I think we are allowing different opportunities for different candidates, the so-called Independents.

There is no question the Independent does have a lot of advantages right now. He can file a set of nomination papers either April 1st, as some of the laws we have before us, or on the date of primary election and he has no campaign expenses. He is not faced with the big bills that some of them were faced with and looking at the bills that some of the candidates developed

in the primary election for Governor spending 60, 70, 80 thousand dollars to try to get elected, he certainly is starting with a great deal of advantage over the rest of them because at least he's got a bankroll and the rest of them have pretty much depleted theirs. Frankly, I don't know as I really see anything wrong with this bill and I hope you will vote against the motion to Indefinitely Postpone.

Mr. Birt of E. Millinocket requested a roll call.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: We have had a good many bills in here relative to the Election Laws dealing with the unenrolled voter, the absentee votes, etc. It is my understanding there is going to be a study brought forward in this area and for this reason, I am now against this bill and will be voting Indefinite Postponement.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The other day, when we debated this bill, I asked a question. That question was "would this bill, if passed, apply to anyone who is now an unenrolled or as we call them, Independent voter" and the answer to that is "No, this bill would not apply to anyone who is now an Independent or an unenrolled voter". It would only apply to those people who are now registered, either registered Democrats or registered Republicans, who might wish to have the opportunity to take a look and see who has filed for a primary in their own party and then decide perhaps that they can beat those candidates and then they file as an Independent. So, this bill is really not aimed at anyone who is a bona fide Independent. Anyone who is an Independent now would not be affected by the bill.

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

Mr. SHUTE: Mr. Speaker, and Ladies and Gentlemen of the House: There is one point on the Independents that hasn't been brought up that I thought the gentleman from East Millinocket might bring up which we discussed last night. The enrolled candidate, Republican or Democrat, would be at a great advantage under this bill. The enrolled candidate can be a write-in candidate in the primary election. They can be written in on primary election day. The non-enrolled candidate is not afforded that privilege as a write-in candidate and he must be an Independent candidate by January 1 so the party people actually have a six-month advantage over the Independent.

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

Mr. FAUCHER: Mr. Speaker and Ladies and Gentlemen of the House: This bill has been debated every time it came to the House by only two people, the same people all the time. We have got to adjourn pretty soon and they are still trying to kill this bill and I find out that Mr. Call is still registered as a Democrat. Now this bill would just make an Independent, honest people. When people will go vote, they will know that they are Independent, they are not running as a Democrat or Independent, or Republican. They would be running as Independent. This is all the bill does. I just want to make honest people out of these Independent people so I hope you don't go along with this motion.

Mr. Birt of East Millinocket requested a roll call.

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

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

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

ROLL CALL

YEA — Berry, G. W.; Burns, Call, Connors, Connolly, Dam, DeVane, Doak, Dow, Dyer, Farnham, Finemore, Gauthier, Hall, Hewes, Hunter, Immonen, Kany, Laffin, LaPointe, Leonard, Lewis, Lunt, Martin, A.; McKernan, Mills, Perkins, S.; Peterson, P.; Pierce, Quinn, Shute, Silverman, Snow, Snowe, Torrey, Tozier, Walker, Winship.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, Drigotas, Dudley, Durgin, Faucher, Fenlason, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hinds, Hobbins, Hughes, Hutchings, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laverty, LeBlanc, Lewin, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBrearty, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, T.; Peterson, T.; Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Smith, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Truman, Usher, Wagner, Webber, Wilfong.

ABSENT — Farley, Garsoe, Higgins, Littlefield, Lizotte, McMahon, Miskavage, Palmer, Spencer, Strout, Twitchell, Tyndale.

Yes, 38; No, 99; Absent, 12.

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

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

An Act to Permit the Use of Weirs and Traps in Certain Washington County Waters (H. P. 1145) (L. D. 1439)

An Act Relating to Cancellation of Insurance Policies under the Maine Consumer Credit Code (H. P. 1177) (L. D. 1480)

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

An Act Relating to Sales Tax on Aircraft and Sales Tax Exemption on Trade-in Credit for Aircraft (H. P. 1188) (L. D. 1484)

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

The SPEAKER: The Chair recognizes

the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker: This came to my attention rather late in the game but I note that Item 17 is very similar to another L. D. that we had before us, 233, exempting boats. We had quite a hoorah about exempting boats from the sales tax and now this seems to be rather innocuous. I notice that the Statement of Fact says that it is believed that there will be no loss of revenue from the exemption of aircraft. I wonder if someone who are proponents of this could give me a little explanation of that and why we ought to pass this in any event.

The SPEAKER: The gentleman from Bangor, Mr. Henderson has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As is frequently said, this is my bill. It generally follows the philosophy that I hold, and hold strongly, that a substantial piece of property that is traded in on a transaction should be exempted from the sales tax. This particular one has several other benefits which don't necessarily accrue in every case. The first one being that as of now aircraft transactions are not taxed under any circumstances, not because the State of Maine doesn't want to tax them but because the people who make airplane transactions avoid taxes.

If you buy a new aircraft, you go out of state to buy it because the sales tax is not taken out of state and there is no way, as is in the case of an automobile, that the registration can force the payment of a use tax, for the simple reason that aircraft are registered outside of the state by the federal government. The one big plus about this bill is that, unlike the boat bill, it does tax casual sales and those are the kind of sales that are currently being conducted inside the state and so that is where the anticipated revenue which may come from any possible loss, and the possible loss is minimal for the simple reason that very few purchases are made in the state, so it will not adversely affect the general fund; it does philosophically answer the problem of trade-ins of substantial valued property and it will pick up the sales tax on casual sales. The fiscal note is correct. I think it is reasonable and needed tax reform.

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

An Act Relating to Eligibility of Benefits under the Employment Security Law (H. P. 1215) (L. D. 1529)

An Act to Exempt Community Based Mental Retardation Services from the Sales Tax (H. P. 1255) (L. D. 1551)

An Act Creating the Bureau of Central Computer Services within the Department of Finance and Administration (H. P. 1440) (L. D. 1789)

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 Relating to Reserve Valuation Standards for Life Insurance and Annuity Contracts and Nonforfeiture Benefits of Life Insurance Policies (H. P. 1576) (L. D. 1879)

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

(On motion of Mr. Dow of West Gardiner, tabled pending passage to be enacted and specially assigned for Thursday, May 22.)

Finally Passed

RESOLVE, to Reimburse Briana Hinkley of Wilton for Injuries Received in the State Forestry Building at Weld (H. P. 1481) (L. D. 1772)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, Resolve finally passed, 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 DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Health and Institutional Services on Bill "An Act to Permit the Advertising of Prescription Eyeglasses and Other Optical Devices" (H. P. 893) (L. D. 1068)

Tabled — May 16 by Mr. Norris of Brewer

Pending — Motion of Mr. Lovell of Sanford to Indefinitely Postpone Bill and accompanying papers.

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

Mr. LOVELL: Mr. Speaker and Members of the House: I don't think we need to really spend much time on debating this bill; we talked on it at some length last Friday.

I did want to mention, however, that 80 percent of the Maine optometrists are not having what they call a fee for service plus materials type of fee schedule. This means that the patient is charged for the doctors special services plus the actual cost of good quality lenses and frames. There is more professional poster fees than the time it places the emphasis on the professional services and not on the dispensing of eye glasses. Optometrists are not eyeglass sellers or merchants, they are vision care specialists. The glasses they often dispense are a result of the professional services they provide.

I would like to mention that I hope you will adhere to your vote last Friday. I would like to answer just briefly one or two questions. The very good gentleman from Gorham, Mr. Quinn, I am sure is very learned and expert, a very fine debator, and he picked up his seatmate's glasses worth \$55 and he had a pair of his own which he threw on the floor that he paid \$3.69 in a supermarket or super store. I submit that is an excellent demonstration and I think is probably certainly would be wonderful for many people. I would like to do that myself, to go into a super chainstore and buy glasses, pick them out myself and try them on, but on the other hand, I would suggest that many people might come down with glaucoma and lose their eyesight in a few years. I don't think that is a very good way to operate.

Mr. Carroll from Limerick said that many of the people in his town couldn't afford to buy glasses at the price, but they might be able to now at the lowered price, but I would submit to him that as a past District Governor of the Lions the Lions will purchase glasses for every person that needs glasses that the state will not take care of. So, consequently, we had a Lions Club in Limerick but they dropped out. In 1955-56 there was a club there, but I can assure him that if he will send his poor

people down the Hollis Club or the Sanford Club or Massabesic Club, we will purchase glasses for those people in Limerick that don't have the money.

Lastly, Mr. LaPointe, on the debate in switch proposition of the eyeglasses, that might not be too bad if you want second grade eyeglasses and you want out of slate firms coming in so that you will lose your good type lense and get the low priced one, well, that is very fine. I hope that you will stick to your position.

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

Mr. LAPOINTE: Mrs. Speaker, and Members of the House: I wasn't planning to debate on this today. I would humbly request that someone table this for one legislative day.

Mr. Norris of Brewer moved that this matter be tabled one legislative day.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of Mr. Norris of Brewer that this matter be tabled one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 103 having voted in the affirmative and 4 having voted in the negative the motion did prevail.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to Pass" Minority (5) "Ought Not to Pass" — Committee on Natural Resources on Bill "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air" (H. P. 1191) (L. D. 1487)

Tabled — May 16 by Mr. Peterson of Caribou

Pending — Acceptance of Either Report. On motion of Mr. Peterson of Windham, retabled pending acceptance of either Report and tomorrow assigned.

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

Bill "An Act Concerning Home Repair Salesman Licenses Issued by the Department of Business Regulation" (H. P. 1197) (L. D. 1493)

Tabled — May 16, by Mr. Higgins of Scarborough.

Pending — Motion of Mr. Dudley of Enfield to indefinitely Postpone Committee Amendment "A" (H-366)

Mr. Dudley of Enfield asked permission to withdraw his motion to indefinitely postpone Committee Amendment "A", which was granted.

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading tomorrow.

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

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

Tabled — May 16 by Mr. Faucher of Solon.

Pending — Passage to be Engrossed. On motion of Mr. Cooney of Sabattus retabled pending passage to be engrossed and specially assigned for Thursday, May 22.

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

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

Tabled — May 16 by Mr. Higgins of Scarborough

Pending — Passage to be Engrossed.
On motion of Mr. Peterson of Windham, retabled pending passage to be engrossed and tomorrow assigned.

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

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

Tabled — May 16 by Mr. Laffin of Westbrook.

Pending — Adoption of House Amendment "A" (H-359)

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

Mr. LeBLANC: Mr. Speaker and Members of the House: I have an amendment here and I still have problems with it and I wish someone would table it for one more day.

On motion of Mr. Rolde of York, tabled pending adoption of House Amendment "A" and tomorrow assigned.

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

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

Tabled — May 16 by Mr. Conners of Franklin.

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

Mr. Davies of Orono asked permission to withdraw his motion to accept the Majority "Ought Not to Pass" Report, which was granted.

On motion of Mr. Talbot of Portland the minority "Ought Not to Pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

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

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

Tabled — May 16 by Mrs. Najarian of Portland.

Pending — Passage to be engrossed.
On motion of Mrs. Najarian of Portland, retabled pending passage to be engrossed and tomorrow assigned.

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

HOUSE REPORT — "Ought to Pass" as Amended by Committee Amendment "A" (H-390) — Committee On Local and County Government on Bill "An Act to Provide for the Appointment or Election of a Fire

Chief in Each Municipality" (H. P. 1206) (L. D. 1499)

Tabled — May 19, by Mr. Berry of Buxton.

Pending — Acceptance of Committee Report.

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

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

Bill, "An Act Authorizing the County Commissioners of the Various Counties to Expend Funds for the Purchase of Real Estate" (H. P. 1163) (L. D. 1464)

Tabled — May 19, by Mr. Kelleher of Bangor.

Pending — Adoption of Committee Amendment "A" (H-388).

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

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

JOINT ORDER — (S. P. 522) — Relative to Committee on Appropriations and Financial Affairs Report out a Bill making Additional Appropriations for Expenditures of State Government for Fiscal Year ending June 30, 1975.

Tabled — May 19, by Mr. Rolde of York.

Pending — Passage.
Thereupon the Joint Order received passage in concurrence.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-394) — Committee on Health and Institutional Services on Bill "An Act Relating to the Furnishing of Family Planning Services for Minors" (H. P. 988) (L. D. 1253)

Tabled — May 19, by Mr. Birt of East Millinocket.

Pending — Acceptance of Either Report.
On motion of Mr. DeVane of Ellsworth, retabled pending acceptance of either Report and specially assigned for Thursday, May 22.

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

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

Tabled — May 19, by Mr. Rolde of York.

Pending — Acceptance of Committee Report.
On motion of Mr. Rolde of York, retabled pending acceptance of the Committee Report and tomorrow assigned.

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

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

Tabled — May 19, by Mr. Kelleher of Bangor.

Pending — Passage to be Enacted.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have consulted

with Representative Kelleher and he has no more objections to this bill.

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

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

An Act to Authorize the Governor and Executive Council to Approve or Disapprove Certain Claims Against the State (H. P. 366) (L. D. 460)

Tabled — May 19, by Mr. Rolde of York.
Pending — (Reconsideration). (Returned by the Governor without his approval.)

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: In his veto message Governor Longley stated, and I quote "It is my feeling, the Governor and the Executive Council, if the Council is going to remain in existence and would not have the time or the staff available to make these determinations.

Mr. Speaker and Members of the House, in this Regular session, the Committee on Legal Affairs heard 28 resolves to reimburse individuals for various claims against the state. At this moment, 17 of these resolves now rest upon the Special Appropriation Table in the other body. Many of these claims are very small amounts of money indeed. For example, L. D. 228 would pay \$50 and L. D. 312 would pay \$32.

Yesterday afternoon I did some research to find out how much it would cost the taxpayer in Maine to process a bill through the Legislature, so here it is. The introduction of a bill would take about half a minute in the House and half a minute in the Senate. The hearing would take about 20 minutes, the report out of committee would take a minute in the House and a minute in the Senate, the second reading would take a half a minute in the House and a half a minute in the Senate, enactment of the bill would take one minute in the House and one minute in the Senate, that is without any debate. That would mean about 26 minutes for a bill. I figured out that it would cost \$27,000 a week for us to be here with the staff and everything, at 40 hours a week, would mean \$675 an hour, it would mean about \$11.25 per minute. So, you multiply 26 minutes at \$11.25 a minute would come to \$292.50. Now, we have to print 1,200 copies of every bill at a cost of \$34.75. That comes to the amount of \$327.25 for each bill and this is a one page bill I am talking about. Personally Mr. Speaker, I find it rather ridiculous that it should cost \$327.25 to determine whether or not we should pay a claim of \$32. I believe that enactment of this bill would save the taxpayer of the State of Maine at least \$9,161. I based this figure on those Resolves the Committee on Legal Affairs heard this session. The Governor's Council meet once a month year round. If they heard only three claims, each time they met, they could easily handle the workload at less expense to the taxpayers of Maine. My memory fails me, I believe that our governor campaigned on a platform of economy in government. I say let him practice what he preaches.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of

the Legal Affairs Committee, I would certainly echo the comments made by our Chairman from Solon, Mr. Faucher. I would point out something else. He has pointed out the cost that is involved in this and I would point out that we owe efficiency to our people, the very efficiency that the Governor is seeking by being able to have them present their claims to the state in a more orderly and timely fashion. Currently, people may have a claim that can not get before us in a Special Session and they have to wait until the next Regular Session of the legislature meets, so they may have delays from 18 months to 24 or 30 months before the legislature will hear their claim. The time delays are unfortunate for these people but for many of them, it is also a very costly item, and this is why I feel that we should override the Governor's veto today.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: Without taking up a lot of time, I think if you read the message from the Governor yesterday, he gave two reasons why he vetoed this bill. The second one hasn't been mentioned at all today. I would just like to read it from the letter. "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 the next few weeks." Although I don't agree with the first reason for vetoing the bill, I think, the second reason presents a legitimate question. So, I would like to know if someone would be willing, to perhaps, table this bill, unassigned, until we can decide the question of the Executive Council.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Apparently, the Governor has not read the Constitution himself because the question would not be moot in a couple of weeks. It would have to be taken up by the voters themselves in a constitutional amendment to see if the Executive Council is, in fact, abolished. So, that is going to take more than a couple of weeks, and I assume it is going to be at the next regular general election that the state has. Obviously, we could well prepare for that, should that happen.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 460 is my bill, cosponsored by the gentleman from Calais, Mr. Silverman. Mr. Silverman and I put in this legislation in an effort to deal with what we feel to be an unnecessary problem hampering the efficient operation of this legislature. That is the time, effort and money spent by this legislature in dealing with bills and involving claims of a small nature which must be paid for by the state. It is beyond me, ladies and gentlemen of the House, why this bill is before us today for those reasons. I was under the impression, apparently a mistaken one that our present Governor who ran on a platform of making government more business-like, efficient, and less costly would most certainly sign this bill, simply because it is a measure to make the legislature operate in a more efficient and businesslike manner at less cost to the taxpayer. The

reasons for the vote seem rather specious, to me. The Governor and Council don't have the staff or the time to deal with the problem. If it is not possible for the Governor and Council to deal with 50 or less small claim bills then I would suggest that Maine Government is in a lot of trouble.

As to the argument that the Executive Council may be abolished and on that basis, this bill should be vetoed I know of many bills now going through this Legislature, some of which will undoubtedly be signed by the Governor requiring some sort of approval by the Governor and Council. We will deal with that issue when the time comes. I remind the legislature that this bill was a unanimous "Ought to Pass" report by the Committee on State Government, was put on the Consent Calendar, amended once in the Senate and went through both these Bodies without a word of debate. For this reason then, ladies and gentlemen of the House, I ask that you support Mr. Silverman and myself and override this veto today. Let's show the people of Maine that we, in this Legislature, are capable of acting responsibly when it come to this money, regardless of how much it is.

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

Mr. DUDLEY: Mr. Speaker and Members of the House, I, too, agree that I thought this bill should pass in Committee but I don't want to override the Governor's veto. He seems to have what I consider good reason if he has to have extra personnel or he thinks he does, I wouldn't go along with that either. I think there is another method to handle this and I think it should probably be done in that area. I think if the bill involves highways, that we should have a bill that would allow these department heads, the ones involved, to pay a bill up to \$300, or up to \$500, without coming to the legislature and I should say that could apply to Fish and Game, to Forestry or Highway or whatever department is involved and I think we should handle in that method rather than try to force something on the Governor's Council that he don't want and obviously in a few years we might not have a Council anyway, quite liable not to, so I think the more prudent way to handle it would be to authorize these department heads to pay all small claims up to \$100, or \$300. Or whatever the legislature decides. I think this would be a more prudent manner to handle it and I hope that we do it that way and that we don't override the Governor's veto.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the remarks of the good gentleman from Enfield, Mr. Dudley. I think this might be a lot better way to solve the problems by authorization of the departments to pay up to a certain sum if they feel it's justified. Personally, I don't care for the Governor's Council or the Governor handling claims anyway. I would prefer if we didn't have some special authorization as asked by the gentleman from Enfield, Mr. Dudley, that the claims would still go back in the same manner they do now. The good gentleman from Solon, Mr. Faucher has come out with a set of figures explaining the cost of putting a bill through and how much saving would be done, \$9,000, if it could be done this other way by going to the council, but I question in my mind whether the \$9,000 saving to the State of Maine could be

justified really in what we might be doing to the people that would have a legitimate claim against the state and because of some reason and a little hanky-panky of wheeling (not to use that word) but wheeling and dealing which is a common word in politics could be wheeled and dealt through the Council to deny their claim. Now I saw this in the previous session of the legislature, here after we had passed a bill authorizing the Department of Highway or Department of Transportation to pay a claim on a well, if it was salted, became salted, that they didn't even go along with and they dragged it out but after I filed the bill before the Legal Affairs Committee, this was in the last session, they got right on the stick and they went ahead and did their job and I just wonder how much more this would happen. Maybe by saving the \$9,000, we would be denying a lot of people of this state a legal claim that they had against the state, so, personally, I think the system we have now is good and maybe if we amended it later on to what Mr. Dudley said to authorize claims up \$300, we'd be a lot better off than turning it over to the Governor and the Council and I would hope today that we sustain the Governor's veto.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House, I urge the House this morning to override the Governor's veto and I think what Mr. Carey said a few moments ago is a thought we should all consider. The fact is, that if and when the Council is removed and I'm not sure that this body or the other Body is going to remove the Executive Council but if it happens, it still goes to the people, it's a constitutional amendment, they'll have to vote on and that's at least two years away. More importantly, even if it does happen, there are a number of duties that will be transferred from the Executive Council to whatever system that we set up. Legal Affairs listens to many, many bills as all of you people know in this House that are really nuisance claims. They deserve to be heard but, in my opinion, they shouldn't have to come before a legislative committee to be heard and I urge that you support Mr. Mulhern and Mr. Silverman this morning and override a very unnecessary veto message from the Governor.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: As a former member of the old claims committee, I'd like to speak in behalf of the bill and for overriding the veto. I think that it is just poor judgment to use a 180 member legislature to be considering these 10 cent claims. To me, it's like using a Mack truck to deliver newspapers. It's such a waste and I think the bill is so eminently sensible. The departments already settle as many claims as they can, it's only the residue that they can't resolve within the departments that come here and I hope that you will put it with the Council which is so much more reasonable.

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

Mr. MORTON: As an ex-member of the Council, Mr. Speaker and Ladies and Gentlemen, I think I should say that I am philosophically opposed to the bill. I feel that the Council should not have this obligation unless you definitely want to give them a lot more help and a lot more

staff. I believe that the position the gentleman from Enfield took or the gentleman from Skowhegan, that a great many of these can be handled administratively is the correct way to go. I do not think they should come before the House and Senate and I would like to see the administrative approach taken and not give this to the Council. I don't believe the Council is the proper job to have it.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Listening to both sides of the argument, I see the opposition to this bill have only the excuse "let's try to find something else but doesn't decide definitely what we're going to try". Now, what we're concerned with is the procedure of our government here where we sit here and put 151 members here and 33 members there and we are going to discuss a \$50. or \$60. claim and take our time to do this, if we have a different procedure of letting seven men decide that claim? Isn't it more important to the people, who say, deserve that claim than let politics be played all around to sit here for an hour as we did last week and hear a claim and one side had one thing to say, the other side had another thing to say and before you got through, you voted and then it goes to the Appropriations Table and the person who deserves a claim isn't assured whether they'll get it or not? I'm quite certain if I had a claim against the state I would like to go before a Body of seven men and have a "Yes" or "No" and my Representative from that area could represent me there. But I'm certain our procedure could be much more efficient and effective by passing this bill out and making the Maine Legislature look like an efficient, effective and cost-saving Body.

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

Mr. NORRIS: Mr. Speaker, very briefly, I'd ask one of the sponsors what mechanism is set up in this bill for the Governor to pay these claims? Where would he get the money? Would you increase his contingency fee or how would that be handled?

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

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, an amendment was put on the bill over in the Senate, which would say that the money would come out of the contingency account.

The SPEAKER: The pending question before the House is, shall the bill become law notwithstanding the objections of the Governor? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this bill becoming law notwithstanding the objection of the Governor you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Dow, Drigotas, Durgin, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H., Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Hobbins, Hughes, Hutchings,

Ingegneri, Jackson, Jacques, Jalbert, Jensen, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lunt, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Mitchell, Morin, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Silverman, Smith, Snow, Snowe, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship.

NAY — Bagley, Berry, G. W.; Birt, Call, Churchill, Dam, Doak, Dudley, Dyer, Farnham, Garsoe, Higgins, Hinds, Hunter, Immonen, Joyce, Littlefield, Lynch, Mackel, Morton, Norris, Peterson, P.; Rollins, Shute, Sprowl.

ABSENT — Farley, Gauthier, Lizotte, Lovell, McMahon, Miskavage, Spencer, Strout, Twitchell.

Yes, 116; No, 25; Absent, 9.

The SPEAKER: One hundred and sixteen having voted in the affirmative and twenty-five in the negative with nine being absent, the veto is not sustained.

Sent to the Senate.

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

Bill "An Act to Provide for the Appointment of Deputy District Attorneys" (S. P. 321) (L. D. 1098) (S. "A" S-120)

Tabled — May 19, by Mr. Carpenter of Houlton.

Pending — Adoption of House Amendment "A" (H-315) to Senate Amendment "A" (S-120).

On motion of Mr. Rolde, of York retabled pending adoption of House Amendment "A" to Senate Amendment "A" and specially assigned for Thursday, May 22.

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

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

Tabled — May 19, by Mr. Palmer of Nobleboro.

Pending — Passage.

Thereupon Mr. Silverman of Calais withdrew his order.

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

Bill "An Act to Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State" (S. P. 205) (L. D. 695) (S. "A" S-102) (S. "B" S-128) (H. "A" H-251) (H. "B" H-348) (H. "C" H-410)

Tabled — May 19, by Mr. Rolde of York.

Pending — Passage to be Engrossed as amended.

On motion of Mrs. Najarian of Portland, retabled pending passage to be engrossed as amended and specially assigned for Thursday, May 22.

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

Bill "An Act to Permit the Continuation of Mediation Services" (H. P. 739) (L. D. 911) (C. "A" H-294). In House, passed to be Engrossed as amended by Committee Amendment "A", May 13. In Senate, passed to be Engrossed as amended by

Committee Amendment "A" as amended by Senate Amendment "A" (S-161), thereto.

Tabled — May 19, by Mr. Palmer of Nobleboro.

Pending — Further Consideration.

Thereupon the House voted to recede and concur.

The SPEAKER: The Chair would call your attention to a Bill recalled from the legislative files by Joint Order, An Act to Dissolve Hospital Administrative District No. 3 in Aroostook and Penobscot Counties, House Paper 932, L. D. 1176.

On motion of Mr. Walker of Island Falls, the House reconsidered its action whereby the Leave to Withdraw Report was accepted.

On motion of Mr. Rolde of York, tabled pending acceptance of the "Leave to Withdraw" Report and tomorrow assigned.

On motion of Mr. Kelleher of Bangor, the House reconsidered its action whereby Bill "An Act to Extend the Provisions of the Energy Emergency Proclamation," House Paper 1152, L. D. 1446, was passed to be engrossed on the Second Day Consent Calendar.

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

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Bill "An Act to Allow the Deferral of Monthly Payments of the Uniform School Tax" (Emergency) (H. P. 1616) (Presented by Mr. Palmer of Nobleboro) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

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

Bill "An Act to Authorize Hancock County to Raise Funds for the Development of an Airport at Bar Harbor" (Emergency) (H. P. 1615) (Presented by Mr. MacLeod of Bar Harbor) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

Resolve, Designating the Bridge Between East Machias and Machiasport as "Rim Memorial Bridge" (Emergency) (H. P. 1614) (Presented by Mrs. Kelley of Machias) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

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

(Off Record Remarks)

On motion of Mr. Mulkern of Portland, Adjourned until nine o'clock tomorrow morning.