

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 22, 1975

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

Prayer by the Rev. Ronald E. Campbell of Lincoln.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Committee on Energy reporting Leave to Withdraw on Bill "An Act to Establish the Electric Facility Siting Act" (S. P. 483) (L. D. 1675)

Came from the Senate with the Report read and accepted.

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

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act Relating to Utility Deposit Practices" (S. P. 358) (L. D. 1162)

Report was signed by the following members:

- Mrs. CUMMINGS of Penobscot
 - Messrs. CYR of Aroostook
 - GREELEY of Waldo
- of the Senate.

- Mrs. TARR of Bridgton
 - Mrs. SAUNDERS of Bethel
 - Messrs. LEONARD of Woolwich
 - NADEAU of Sanford
 - BERRY of Buxton
 - KELLEHER of Bangor
 - LUNT of Presque Isle
 - LITTLEFIELD of Hermon
 - SPENCER of Standish
- of the House.

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

Report was signed by the following member:

- Mr. GRAY of Rockland
- of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-167)

In the House: Reports were read.

On motion of Mr. Gray of Rockland, the Minority "Ought to pass" Report was accepted in concurrence and the Bill read once. Senate Amendment "A" (S-167) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act Amending Certain Laws Relating to Games of Chance" (H. P. 483) (L. D. 602) which was passed to be engrossed as amended by Committee Amendment "A" (H-279) in the House on May 15.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-279) and Senate Amendment "B" (S-177) in non-concurrence.

In the House: On motion of Mr. Cote of Lewiston, the House voted to recede and concur.

Non-Concurrent Matter

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) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-378) Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended.

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

In the House: On motion of Mr. Hughes of Auburn, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Relating to Certain Overtime Exemptions Under Minimum Wage Law" (H. P. 401) (L. D. 490) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-393) Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended in the House on May 20.

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

In the House: On motion of Mr. Tierney of Durham, tabled pending further consideration and specially assigned for Tuesday, May 27.

Messages and Documents

The following Communication:
STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON LIQUOR CONTROL
May 21, 1975

Honorable John L. Martin
Speaker of the House
House of Representatives
Augusta, Maine 04333
Dear Mr. Martin:

It is with pleasure that I report to you that the Committee on Liquor Control has completed all actions necessary on the business placed before it by the 107th Legislature.

Total Number of Bills Presented	38
Unanimous Reports	26
Leave to Withdraw	6
Ought Not to Pass	7
Ought to Pass	5
Ought to Pass as Amended	8
Divided Reports	12
Total Number of Amendments	15

Sincerely,

Signed: SIDNEY D. MAXWELL
Chairman

The Communication was read and ordered placed on file.

The following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

May 21, 1975
To the Members of the Maine House of Representatives and Senate of the 107th Maine Legislature:

I am today returning to the Legislature, without my signature and approval, L. D. 1631, An Act to Provide for Reimbursement of Court Appointed Attorneys for Reasonable Disbursements Made on Behalf of their Clients.

I am disapproving of this piece of legislation because considerable research by my staff has shown that there are already provisions in State law to reimburse court appointed attorneys for reasonable expenses incurred in defense of indigent clients. My research also has shown that enactment of this legislative

document would cost taxpayers of Maine an additional \$78,000 a year.

In effect, I feel this piece of legislation would make it easier for a few attorneys to abuse a procedure already provided for in receiving reimbursement in indigent cases. I am convinced that a majority of the lawyers in Maine are doing outstanding jobs when they are appointed to represent indigent clients, and I am certain, based on the information we have received from top court officials, that the courts are presently reimbursing lawyers for reasonable out-of-pocket expenses. I, therefore, feel there is no need for this legislation which I feel would serve to open the door for abuses.

In addition, as a member of the Maine and American Bar Association, I am calling on attorneys, as Governor of Maine, to demonstrate the greatest spirit of volunteer service in helping those less fortunate. While organizations have come into being to help the indigent and those unable to pay, I feel lawyers in this State and nation need to emulate the volunteer spirit of other groups in sharing themselves and their talents.

Sincerely,
Signed: JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

(On motion of Mr. Rolde of York, tabled pending the question of whether or not this Bill shall become law notwithstanding the objections of the Governor and tomorrow assigned.

**Petitions, Bills and Resolves
Requiring Reference**

Bill "An Act Extending the Time Limit During which School Budgets May be Adopted by Certain School Administrative Units" (Emergency) (H. P. 1623) (Presented by Mr. Rolde of York) (Approved for introduction by a majority of the Committee on Reference of Bills pursuant to Joint Rule 10.)

Under suspension of the rules, the Bill was read twice and passed to be engrossed without reference to a Committee.

By unanimous consent, ordered sent forthwith to the Senate.

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

Mr. Jensen from the Committee on Transportation on Bill "An Act to Allocate Additional State Aid Funds to the Town of Chelsea for Repair of the Windsor Road" (Emergency) (H. P. 1300) (L. D. 1584) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Lunt from the Committee on Transportation on Bill "An Act Relating to Town Ways" (H. P. 687) (L. D. 877) reporting Leave to Withdraw

Mrs. Berry from the Committee on Transportation on Bill "An Act to Authorize the Construction of a Bridge Across the Penobscot River Between the Cities of Brewer and Bangor" (H. P. 994) (L. D. 1258) reporting Leave to Withdraw

Mr. Fraser from the Committee on Transportation on Bill "An Act Establishing the Maine Public Transit Fund Act" (H. P. 1392) (L. D. 1676) reporting Leave to Withdraw

Mr. Curran from the Committee on Natural Resources on Bill "An Act to

Reduce the Maximum Allowable Height for Outdoor Advertising Near State Highways to Twenty-five Feet" (H. P. 177) (L. D. 208) reporting Leave to Withdraw

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Repeal the Requirement for Wearing Motorcycle Helmets" (H. P. 897) (L. D. 1084)

Report was signed by the following members:

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

Mrs. BERRY of Madison, Messrs. JENSEN of Portland, WINSHIP of Milo, KAUFFMAN of Kittery, STROUT of Corinth, ALBERT of Limestone, FRASER of Mexico, WEBBER of Belfast, LUNT of Presque Isle — of the House.

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

Report was signed by the following member:

Mr. JACQUES of Lewiston — of the House.

Reports were read.

Mr. Fraser of Mexico moved the House accept the Majority "Ought not to pass" Report.

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

Mr. JALBERT: Mr. Speaker, I notice that the signer of the Minority Report is not in his seat, I was wondering if possible this could be tabled until later in the day.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I think rather than attempt to table this, I would like to debate it now. I am ready — I am the sponsor of the bill.

I am going to ask you to vote against the motion of accepting the "Ought not to pass" Report.

I originally introduced this bill by request, because when I was asked to put it in by a group of motorcyclists, I did have some serious reservations about this, about repealing this law.

However, since I have put the bill in, I have done some serious soul searching on the idea of how far I feel the government should go to protect the individual. I have also done some serious research into the case for or against helmet laws.

First, I would like to touch on the practical case against the helmet law. Before I get into it, I think you have to realize that helmets do not prevent accidents; this fact should be obvious, but many proponents of highway safety have been misled into concluding that the universal use of helmets would greatly reduce the death rate. Roughly 75 percent of all motorcycle accidents involve a rider having less than three months experience. More than two-thirds of all accidents involving a motorcycle and another motor vehicle are determined to be the fault of another motorist, usually the case of an automobile driver ignoring the motorcyclist or in some cases consciously violating the motorcyclist's right of way.

Statistics — to get this into perspective, I don't think one can just take the evidence from a state's number of deaths due to motorcycle accidents, what you have to do is look at the number of deaths as they pertain to the number of motorcycle

accidents. Statistics from those states and provinces which have a mandatory helmet legislation reflect no demonstrated decrease in the ratio of deaths to accidents. On the contrary many, many jurisdictions have shown a marked increase in the death rate following the enactment of the helmet law. Why is this the case? Generally because your helmets actually can cause death when you are involved in an accident, because most helmets are not capable of withstanding impact of over 13 to 15 mile per hour impact.

In California, which has never had a helmet law, exist the largest number of registered in the United States are registered in the State of California. Due to the pleasant weather, many of the machines can be used throughout the year; even so California's motorcycle fatality rate is one of the lowest in the nation, an annual figure of 72 per 100,000 registrations. New York, on the other hand, which riding season is very similar to Maine's has on the average of 136 deaths per 100,000 motorcycles, almost twice the California figure. After New York passed their helmet law, deaths due to neck injuries increased by more than 100 percent.

In the hearing that we had on this bill, there were many arguments, there were many people supporting this bill who gave a lot of good testimony on how helmets can actually cause deaths due to snapping of the neck and either by the helmet coming back onto the neck on an injury or because of the neck strap.

The role of a helmet in causing accidents cannot be underestimated. When you are riding a motorcycle all your sensory organs, your eyes, your ears and your nose are all encased in a helmet and this greatly reduces your ability to see approaching danger or hear of approaching cars, horns, etc. I have some figures from the University of Utah, an audiology sheet, which shows that the hearing with a helmet on is almost cut in half; the hearing loss is actually doubled when you're wearing a helmet. The helmet minimizes the wearer's ability to see; most helmets give you peripheral vision of 105 degrees; 180 degrees is considered normal, 140 degrees, if you are tested by an optometrist or an ophthalmologist and you have peripheral vision of 140, you are deemed to have some sort of an eye disease or you should have a checkup. Yet, the helmets give you only a visibility of 105 degrees.

As I said, with the principal sensory organs enclosed in a tight shell of fibreglass and tinted plastic, the rider inevitably assumes a subconscious or a conscious feeling of indestructibility. The degree of course to which this happens is the degree, of course, of the experience of the rider, but where you have most of your accidents occurring with an inexperienced rider, I feel this is a very viable argument.

But I think the strongest argument to use against the helmet law is the moral argument of how far the government is going to go to protect the individual, and I don't feel there can be any crime where there is no unwilling victim. And I feel in this particular case, where you're subjecting a motorcycle driver to a penalty if he fails to wear a helmet is unfair and I feel the government is just going too far in this particular aspect.

The argument will be, I am sure somebody will get up and explain how the

federal highway safety Department of Transportation, Highway Safety Division, is going to withhold 10 percent of our highway money if we enact this bill. I have letters from the Highway Safety people saying that they have never done this; there are five to six states right now that do not have a helmet law and in none of those states has any highway money ever been withheld from them, and I don't feel we should sit here today and vote on this bill simply because we're being blackmailed by the federal government. So I would ask you to vote against the motion of "Ought Not to Pass" and support the "Ought to Pass" motion.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. I am not a motorcyclist, have never been on a motorcycle in my life. I do support the minority "Ought to pass" report for a couple of reasons.

There has been a lot of talk in the last few years about seat belts in cars and mandatory wearing of seat belts and all of this, and I object to this, I guess, for the same reasons that I object to the requirement that a person wear a helmet if he is going to ride a motorcycle.

Now, we had a bill in here a little while ago about lights on motorcycles and I agree with that because that affects me as a car driver. It allows me to either see the person better or not see the person better, and possibly avoid an accident. The helmet law does not affect me as a driver and I don't feel that a person should be required to wear a helmet just to ride a motorcycle.

As I said, I don't ride a motorcycle myself but having had helmets on before, I can tell you that I support the gentleman from South Berwick, Mr. Goodwin, about the restriction in vision and hearing and all of the rest, and I don't think we should require somebody — you know, I think it is a very good question he raised about how far can the government go in protecting somebody. I don't know of any state yet that has passed a law to prosecute somebody for committing suicide, and I think if there is a real danger factor involved here, if there is a real question of safety to the motorcycle rider, I think that should be optional, I think it should be up to the motorcycle rider whether he is going to wear one or not. If it is proven that this reduces fatalities on the highway, well, fine, I think the motorcycle rider should be given the option. I don't necessarily think it is our place to legislate this type of protection into the person and if you vote to accept the majority "Ought Not to Pass" recommendation, I think we should give serious consideration to some other bills that either are pending or may be coming up regarding protecting a person's life. Just how far can we go in forcing a person to protect his own life?

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I think that I should say a few words about this. We have heard it said that helmets cannot withstand the impact of more than 13 miles per hour. My concern is, how much of an impact can the unprotected head stand?

This is a bit personal, not closely personal, but it goes back to an incident in my own town, where this gentleman decided one day that work was a little bit slack in his shop and his bike was sitting in

the yard and he was just going to take a spin around the block. He said, "I don't need my helmet for that because no cops will catch me just for this little spin around the block." He took his little spin around the block, he didn't run into any cars, started to turn out the street right opposite his own yard and he flipped, landed on his head, hardly any speed that he was moving at, but the man is practically a vegetable now. Had he had his helmet on, I am sure he would have banged the helmet a little, scratched the paint, maybe even caved it in, but he would be working and supporting his family now.

Talking about unwilling victims, this man's wife is now working to support him. It would seem that the families of victims of this sort of accidents are unwilling victims of the accidents. How about the ambulance driver who has to make a sudden emergency run to one of these accidents and has to take a little risk? Is he possibly an unwilling victim of the accident? The taxpayers who have to pay increased taxes to support these emergency operations, support hospitals, are they perhaps unwilling victims of accidents? I would submit that there are unwilling victims of these accidents. No man is an island sufficient unto himself; no man can truthfully say that no one else is going to suffer if he becomes injured.

We also have raised the restricted, peripheral visions to 180 degrees. Now anyone riding down the road, 180 degrees is straight out to your ears; does anyone riding down the road need to see straight out from his ears? I am sure it would fix his ability to look at pretty girls on the sidewalk, but what he's supposed to be doing is watching the road. And 105 degrees of vision should be adequate for watching the road and streets that are leading into the road.

Now, I have said a little more about this than I intended to; I am not an expert on the matter, but I think sometimes experts on these things can perhaps get so bound up in their expertness that they miss some other things that some of us who don't know anything about it perhaps think they can see.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Majority "Ought not to pass", I feel I should make a few comments. The gentleman from South Berwick, Mr. Goodwin, has mentioned that probably somebody would bring to your information concerning the loss of revenue of the federal highway safety act. He heard the testimony. We had a gentleman there from the Northeast Regional Commission that told us very specifically that if the helmet law on motorcycles was repealed, that we would lose \$3.5 million. I don't know how much clearer we could have gotten the message. Also, Mr. Goodwin told that there were five or six states that don't have helmet laws. I believe he is incorrect, because at the hearing we were told that today there are two states that don't have motorcycle helmets; one is California and right at the present time they have a bill before them to act on and I am quite certain that if California doesn't pass this, that they are going to find they are going to be losing some of their federal revenue also.

As a member of the Transportation Committee, I am not serious one way or the other, I don't care if they wear helmets or not. I do think at the present time that it

would be unwise for us to pass this legislation knowing that our revenue in the highway is about as low as it could go and I really don't feel there's any need for this bill. So I now move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It has been mentioned that the helmet would rescind 17 m.p.h. or some impact of a certain number of pounds, and the question was asked "what would the human head stand?" Well, that it is an unknown factor. Mine's pretty hard and could stand quite a lot and there's some that have a thin skull.

But let me tell you, I rode a motorcycle for a good many years when I was younger, I feel that I am past that now, and I never had a helmet and I am still here. But the thing that I stood up for this morning to tell you people, it involves something like — I might remind some of you younger people here perhaps this type of thing has something to do with my longevity here.

Now let me tell you, back home I have had some people against this bill, quite a few of them against it, back in the country having this helmet bill and being dictated by the great white fathers down here. I don't care if it is the motorcycle bill or the seat belts or what have you. They are tired and sick and you're going to find revolt from the people, more and more as you go along, in their every day affairs. I don't care if it is this or everything. We're picking away at their every day affairs to the extent that they think we no longer should be here. They're getting fed up with the government and why? It's things like this.

I will try to make it plain to you. Several people have come to me and don't want this helmet bill, but not one, not one mind you, has come to me and said "Mr. Dudley, would you please support this helmet bill as a matter of safety." Now these are the type of things that I support, because I am trying to represent these people and I think has contributed greatly to my longevity here. It is bills like this that I try to be with the people who come to see me. I think that is what I am here for. I am not right here to think that I'm their father, that I'm going to dictate to them, that I'm a bigshot, that I'm going to tell them "you do this, you run and get this, you do this." This is not what I'm here for. I'm here to try to represent these people and I hope you are and I will ask you, how many people have called you or written you that they wanted this helmet bill? There are similar bills that have come up. I am going to support the people who don't want it. I am going to vote for the minority and I suggest it might be a good thing for you people to consider the people you are here for.

As for this federal thing, I have heard this federal bluff for years. There's going to be \$40 million of federal money we won't be able to cover anyway, so if they cut us 3 percent, we will take it out of that 40 percent we can't reach because we can't cover it. I am not afraid of these people; they're not going to dictate to me nor my people and I hope they don't dictate to you. The public, you must know by now, is fed up with the federal government dictating to the state government and the state government dictating to the town government and the town government dictating to the people. We advocate

around the world that this is a free society, that we have freedom. Why, it's getting so that communist countries have more freedom than we do and it is just because of cases like this. I think it is time we smarten up and try to do what the people ask us to do and not try to make them think that we are the father to everybody.

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

Mr. McBREARTY: Mr. Speaker and Members of the House: I am going to be very brief. A few days ago, I got a letter from a concerned motorcyclist. He suggested I put in a bill to require helmets in cars. I am sure many of you have seen that round hole in the windshield where a head has collided in cars. I am sure the vote on this bill will indicate the chances of passage of such a bill; after all, we want to protect everyone.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I rise only briefly to support the "Ought to pass" minority report. I am a motorcycle enthusiast and I come in from a rural area. I enjoy not riding a bike fast but 35 or 40 miles an hour on the rural roads and I hate to wear that helmet. I enjoy the sunshine, you put the helmet on, you perspire, you're wet and it is a very uncomfortable feeling. I think this is an individual right: If I am riding the highways and I intend to go fast, then I would put the helmet on regardless of legislation, but I reiterate, it is an individual's right as to whether they want to put a helmet on or not. I hope that you will support the Minority Report.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Some days ago in debate, I said that as far as I was concerned, I would allow the motorcyclists to operate their machines dressed any way they chose to as long as they put their headlights on and I still feel that way. However, I have checked carefully with the Department of Transportation to get the real story on this Federal law thing and I think you should understand what it is and then you can make your decision. Back in 1966, the federal law was passed that each state must have an approved safety program. The Secretary of Transportation was authorized to promulgate rules and regulations concerning that and he has done that. One of those rules is that the secretary says that each motorcycle rider is to wear an approved helmet and all but two states have done this. The State of Maine has this program, only California and Illinois have not. No other state up to this point in time has repealed their law that they put on the books in connection with motorcycle helmets. Connecticut and Oklahoma attempted to or considered it or are considering it, I am not sure what the timing is and they have both received telegrams from the Department of Transportation in Washington saying that if they did repeal the law then the coordinator or whatever his title is would recommend to the Department that the sanctions be invoked. Now, those sanctions are, reduction of 10 percent in the amount of subsidy under the general subsidy law, which in our particular case, will depend on the amount of money that we match and loss of the highway safety program money which to the State of Maine is

approximately \$400,000 a year, which is used to subsidize driver education programs, automation of motor vehicle records, training programs and emergency medical training and that sort of thing. So, that is the possibility. No state has ever had these sanctions invoked but by the same token, no state has ever returned to the no-helmet law once they had adopted it. It seems that the thinking behind this at the federal level is, that if a state is making progress towards, then they are not in any trouble, but if they attempt to back up they could well be. So, Connecticut and Oklahoma have been so advised. I believe this is an accurate record of what happens or what happened as far as the federal law is concerned. I put it on the record for your information. You can make the decision on the basis of how you feel about the whole bill and this in context.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: One of the previous speakers who opposed this helmet law said he was going to wear one anyway regardless of the law if he feels like speeding. That reminds me of a lady who came before our committee as an opponent to this bill, said she and her husband enjoyed motorcycling and she hopes to continue and she also said the last part of her testimony, "Even if you repeal this law, I will still wear a helmet." I said, "Why?" and she said, "Because it is safer."

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to recount a story here this morning. A few years back the famous M. C. of the Tonight Show, Ed McMahon, was the chairman of a huge benefit for the Catholic universities in this country and he was able to get probably some of the top entertainment of the country to perform at that charity. After the entertainment was over with Mr. Sammy Davis Jr. sitting down next to the then Cardinal Cushing of Boston and at that time, one of the fads, for lack of a better word, was to have the St. Christopher statue on dashboards of cars. Sammy Davis Jr. asked the Cardinal, does that statue do any good at all on the dashboard of a car? He said, "Well, Sammy, really on a head-on crash, after 35 miles an hour, no good at all."

I talked to some motorcyclists in regard to this helmet bill and they said the only thing that a helmet would do after 15 miles an hour is probably insure you that you could have an open casket. I would urge this House to go along to defeat the pending motion to indefinitely postpone and accept the Minority Report.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Here I go again. I am the lone signer of this bill "Ought to Pass". We had a pretty good hearing on it and not one motorcyclist that was present, and at least 200 people appeared at the hearing, not one motorcycle rider who had the helmet stay on, they all wanted it off but they wanted to wear it if they could wear it for themselves, not have the law tell you that you have to wear it.

We had a young fellow from Aroostook County showing us statistics what it had done for fellows that had crashed which had broken the vertebra in the back of his

neck and he stayed paralyzed. It wasn't just in one case. Most cases that where the helmet was worn what it had done to that young fellow. I hope, ladies and gentlemen of the House, that you people don't vote because you don't like motorcycles. I know that the majority of people do not like motorcycles on the road because a lot of them are cowboys and they don't know how to deal with automobiles. I tell you we had a group of motorcyclists, when I was a young fellow, that we used to ride 35 together and it was a real sport. We had fellows like John Reed, who is also a motorcycle rider, Jon Lund is also a motorcycle rider. We had many, many lawyers in my area that own a motorcycle because they enjoy riding it and they ride it right. If you knew what that helmet does to a motorcycle rider — first of all, it impairs his seeing on the sides, it impairs his hearing. Wearing that helmet is just like taking a pair of earmuffs and putting it on your ears, that is what it means. I never wore a helmet except when I used to race them. We had to because that was a rule, the insurance rule and the association rule. It is absolutely, after so much speed, after 50 miles an hour, if you ever landed on top of that helmet that helmet would hurt you more than it would help you.

Another thing that I didn't like is the federal government coming in to our committee and stating to us that if we do take the helmet off that we are going to lose 10 percent of our road money and that really fired me, that is one of the reasons that I really went against this. When he comes in and tells us that we are going to lose our federal money because we are not wearing helmets that it is going to impair the safety record that we have here in Maine. California has over 400,000 motorcycles and they don't have to have helmets if they don't want to wear them. So, you figure that one out and you have more traffic than you have here in Maine. We have open space here in Maine, and we have good motorcycle riders, our record is very good compared to other parts of the country. These young men are riding motorcycles because they like them and they are not cowboys like people think. I hope, ladies and gentlemen of the House, that you people do not vote because you don't like motorcycles, vote what the law says and what the motorcyclists would like, not to have the helmet. There was one young man that appeared at the hearing stating to us that they wanted to wear the helmet. I hope this morning that you do go along with the Minority Report, "Ought to Pass".

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

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those California motorcyclists and when I came back to Maine I got rid of it because in California, I could go out on the desert and I could ride for hours without meeting a car or fence or anything. Here in Maine, we have, especially in the back areas, we have a lot of horse and buggy roads that have been blacktopped, they have gravel and they are not properly sloped and I just think that there is no question about the safety of the helmet. I wore one in California, it is hot and sweaty under there but I think there is no question about the safety factor. I have handled cases where people have gone off, not particularly with another automobile or motorcycle and they hit a stone or tree or whatever and you can always bust a leg but if you bust a head it is pretty hard to put it back

together. I would urge you to support the helmet bill.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to touch on a few things I didn't the first time. I think the first thing I would like you people to remember when you vote on this is that 27 percent of all motorcycle deaths are due to head injuries, 28 percent of all automobile deaths are due to head injuries. I think that it is only fair that if you are going to force the motorcyclists to wear a helmet that we ought to force motorists to wear a helmet when they are driving their car because the statistics are identical.

I have got stories and statistics from other states and in Kansas the cycle fatalities doubled after they passed the helmet law while the registrations went up only 12 percent, and accidents stayed about the same. They doubled because when you are thrown from a bike and you don't hit your head directly, there is a good chance that the helmet can snap your neck or the strap can snap your neck. There are studies that are being done in Canada that have documented this and I just feel that some bureaucrats sitting down in Washington probably never even been on a motorcycle have probably said, this sounds like a good idea, let's throw this in with our safety regulations. I don't think the State of Maine has to worry or be blackmailed by this type of bureaucratic thinking.

I have a letter from one of these bureaucrats written someone in Kansas or Oklahoma stating, "that no federal highway safety funds have ever been withheld from any state for failure to implement any of the federal highway safety requirements." I think it is probably because they know that they could never back them up. I think if they tried to do that, there would be such an outcry from Congress that they would have to repeal all the safety regulations. They are just using this as a threat, there are more than two states that don't have the helmet law, there are four or five states that require, Louisiana I think is one case in point that if you are, I think the age is 18 and driving a motorcycle, you have to have a helmet, over 18 you don't. I don't know what the reason for that is. There are several midwestern states that require you to wear a helmet when you are in a suburban or urban area but not in a rural area. There is one state that does just the opposite. These states haven't lost any federal highway safety money.

I would ask, when you vote on this, you just vote to let the motorcyclists have a chance to determine what he is going to do. Let's stop this dictating from here on just how we are going to work. If you are going to keep laws on the books like this, then perhaps we ought to start thinking about making hunters wear bulletproof vests, and perhaps we ought to ban things like skydiving and making everybody that goes swimming has got to wear life jackets, and let's get into this whole bit. Let's make sure to pass a law requiring every person to get eight hours sleep at night. Let's keep going like this, this is the type of thing if we are going to keep laws on the books like this I think that we ought to get into.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: I was asked by one of my cycle riders to vote for the repeal of this helmet law. One of the disadvantages is that if you fall and hit your head just right the helmet, itself, could snap your neck. As for myself, I am getting sort of tired of being blackmailed by the federal government with their matching funds which are withdrawn eventually and leave states with all programs and no funds.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I think there are two questions we have to decide here. One of them is the actual need for the helmet, the other thing is what happens if we decide that a helmet is not needed and we are willing to accept loss of money. I have seen the gentleman from South Berwick, Mr. Goodwin, paint a very, very excellent picture of how bureaucrats are trying to run things and how highway administrators determine these great safety things and go after them and say, if you don't do what we say you should do, then we are going to take away your money. It is fine to paint the bureaucrats doing that type of thing. It is a popular thing and people love to do it. However, they are not the ones that determine this had to be done, it is the Congress. The congress of the United States, other elected officials, were the ones that said, if these programs aren't kept up to snuff, if the safety levels aren't made, the money will be withheld. It is not a bunch of bureaucrats.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: That isn't so. We had a letter from the federal government stating that there hasn't been any money withheld anywhere for states that have not adopted the helmet law.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Enfield stated it more precisely than I could. There could be no doubt, in my opinion, in my district that the overwhelming majority of my people are not remotely interested in any more unnecessary expensive government. I want to show my people how I voted and I, therefore, want to request a roll call.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would make just two points. The first point is that we talk about the innocent by-stander and we consider that the driver of the motorcycle should only have to worry about his own risks. I think we should consider the rider, many people do take riders on motorcycles and they have no control over the machine and yet are very vulnerable. The second point I would make is something that came out of the no-fault hearings last year in front of the Business Legislation Committee, and that is, I believe, that of the major accidents in automobiles between 50 and 20 percent were fatal and of the major accidents of motorcycles, approximately 80 percent were fatal.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and

voting. All those desiring a roll call will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is the motion of the gentleman from Corinth, Mr. Strout, 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 — Bachrach, Bagley, Birt, Bustin, Call, Carroll, Cox, Curran, P.; Curran, R.; Doak, Durgin, Farnham, Finemore, Gould, Higgins, Hinds, Hughes, Immonen, Jackson, Jensen, Joyce, Kauffman, Kennedy, LeBlanc, Lewin, Littlefield, Lunt, Lynch, Martin, A.; McMahon, Miskavage, Morton, Nadeau, Perkins, S.; Saunders, Snowe, Strout, Stubbs, Talbot, Tarr, Tierney, Torrey, Tozier, Usher, Wagner, Walker, Webber.

NAY — Albert, Ault, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Byers, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Curtis, Dam, Davies, DeVane, Dow, Dudley, Dyer, Farley, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Hobbins, Hunter, Hutchings, Ingegneri, Jacques, Jalbert, Kany, Kelleher, Kelley, Laffin, LaPointe, Laverty, Lewis, Lizotte, Lovell, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, Mills, Mitchell, Morin, Mulkern, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Shute, Silverman, Smith, Snow, Spencer, Sprowl, Teague, Theriault, Truman, Twitchell, Tyndale, Wilfong, Winship.

ABSENT — Drigotas, Leonard, McKernan, Susi.

Yes, 47; No, 98; Absent, 5.

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

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

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act to Provide for Review and Planning of Human Service Programs by Regional Planning Commissions" (H. P. 1186) (L. D. 1477)

Report was signed by the following members:

Mrs. BACHRACH of Brunswick
Mrs. HUTCHINGS of Lincolnville
Messrs. AULT of Wayne
CONNERS of Franklin
HUNTER of Benton
RAYMOND of Lewiston
TRUMAN of Biddeford

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-440) on same Bill.

Report was signed by the following members:

Messrs. KATZ of Kennebec
GRAHAM of Cumberland

— of the Senate.

Mrs. SAUNDERS of Bethel
Messrs. TALBOT of Portland
DAVIES of Orono

— of the House.

Reports were read.

On motion of Mr. Talbot of Portland, tabled pending acceptance of either Report and specially assigned for Tuesday, May 27.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act to Permit Uniform Reduction of Liquor Prices in Four Stores in the State" (H. P. 987) (L. D. 1252)

Report was signed by the following members:

Messrs. GRAFFAM of Cumberland
CARBONNEAU of Androscoggin

— of the Senate.

Messrs. LIZOTTE of Biddeford
DYER of South Portland
TWITCHELL of Norway
JACQUES of Lewiston
PERKINS of Blue Hill
IMMONEN of West Paris

— of the House.

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

Report was signed by the following members:

Mr. DANTON of York

— of the Senate.

Messrs. PIERCE of Waterville
MAXWELL of Jay
FAUCHER of Solon
RAYMOND of Lewiston

— of the House.

Reports were read.

On motion of Mr. Maxwell of Jay, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to Pass" as amended by Committee Amendment "A" (H-438) on Bill "An Act Relating to Services Provided by Private Clubs under the Liquor Laws" (H. P. 793) (L. D. 966)

Report was signed by the following members:

Messrs. GRAFFAM of Cumberland
CARBONNEAU of Androscoggin

— of the Senate.

Messrs. PIERCE of Waterville
DYER of South Portland
FAUCHER of Solon
RAYMOND of Lewiston
IMMONEN of West Paris

— 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. DANTON of York

— of the Senate.

Messrs. LIZOTTE of Biddeford
TWITCHELL of Norway
MAXWELL of Jay
JACQUES of Lewiston
PERKINS of Blue Hill

— of the House.

Reports were read.

On motion of Mr. Pierce of Waterville the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-438) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on

Liquor Control reporting "Ought to Pass" as amended by Committee Amendment "A" (H-439) on Bill "An Act to Authorize Class A Taverns to Serve Spirituous and Vinous Liquors" (H. P. 913) (L. D. 1123)

Report was signed by the following members:

Messrs. CARBONNEAU of Androscoggin
DANTON of York

— of the Senate.

Messrs. TWITCHELL of Norway
MAXWELL of Jay
JACQUES of Lewiston
DYER of South Portland
PIERCE of Waterville

— 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. LIZOTTE of Biddeford
FAUCHER of Solon
PERKINS of Blue Hill
IMMONEN of West Paris
RAYMOND of Lewiston

— of the House.

Reports were read.

Mr. Maxwell of Jay moved the House accept the Majority "Ought to Pass" Report.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I just want to point out what this bill will do. Every beer joint in the State of Maine will be able to sell liquor. I am not going to tell you how to vote but I would ask for a division.

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

Mr. HOBBS: Mr. Speaker and Members of the House: This bill to authorize Class A Taverns to serve spirituous and vinous liquors is one that I sponsored at the request of one of my constituents who owned a Class A Tavern. This gentleman has taken a real dive in the City of Saco and turned it into a respectable and clean place to enjoy a beer or hot sandwich. It is this man's feeling that he is being discriminated against because existing law prohibits him from serving spirituous and vinous liquors. He feels that Class A Taverns should be allowed the same privileges that is enjoyed at restaurants and hotels. Very briefly, let me explain the bill. This bill authorizes Class A Taverns that serve spirituous and vinous liquors in any municipality currently permitting Class A Taverns to sell malt liquor, which vote affirmatively to permit the service, provided that the tavern purchase a license to serve spirituous or vinous liquors and provide they comply with all the other aspects concerning alcoholic beverages which we have on our statutes.

The hearing on this legislative document was heavily attended by tavern owners who represent a community throughout the state, who expressed their support to this bill. Some of the communities which were represented by this bill range from the Lewiston-Auburn area, the Waterville Winslow area, The Bangor-Brewer area, the Rumford-Mexico area, Madawaska, Biddeford, Saco and Old Orchard area. These owners of the taverns testified that they are barely able to make a living as small business people and that this bill is really necessary in order for them to survive the future.

I would ask this House this morning to

seriously consider this bill so that local municipalities may decide whether they want Class A Taverns to sell spirituous or vinous liquors.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: One of the main reasons that the minority has not wished for this bill to go through is very simple. We are forcing our restaurant owners as well as the hotels to sell \$50,000 or \$35,000 worth of food a year in order to get a license. Here we are going to have a tavern paying \$200.00 a year for malt beverages and we are going to turn around and give them liquor disregarding what we are telling the restaurant owners they can do. These people claim that we are discriminating against Class A Taverns, just imagine what we will be doing to your restaurants. If we are going to give this liquor to the Class A Taverns, then let's give it to everybody in this state.

The SPEAKER: The pending question before the House is the motion of the gentleman from Jay, Mr. Maxwell, that the House accept the "Ought to Pass" Report. The Chair will order a division. If you are in favor, you will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Hobbins of Saco requested a roll call.

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

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

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. How many Class A Taverns do we have in this state?

The SPEAKER: The gentleman from Sanford, Mr. Nadeau has posed a question through the Chair to any one who may care to answer if they so desire.

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I might be wrong but I think it is in the vicinity of 30 or 40 Class A Taverns in the State of Maine. If I may continue, Mr. Speaker, in rebuttal to the remarks made by the gentleman from Lewiston, Mr. Raymond. When he stated how this is discriminatory against the hotels and the restaurants. Under this piece of legislation, the Class A Tavern, in order to procure spirituous or vinous license would have to have an ordinance, passed in the local communities, municipalities, that is the first step, the second step is to apply to the Liquor Commission for a license. Now, as you know, if the person is not of a character that warrants this license, the Commission will not grant them one. Along with the application, if it approved, the Class A Tavern owner would have to send in a check for \$550 over and above the \$200 which he pays for this alcoholic malt license. I think this will, in all honesty, is a fair bill and I think it would help a lot of small business people in the State of Maine to survive in the future.

The SPEAKER: The pending question

before the House is the motion of the gentleman from Jay, Mr. Maxwell, that the House accept the Majority "Ought to Pass" Report. A roll call has been ordered. If you are in favor you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Burns, Connolly, Cote, Curtis, Davies, Dow, Dyer, Farley, Flanagan, Gauthier, Henderson, Hobbins, Hughes, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Laffin, LaPointe, Martin, R.; Maxwell, McMahon, Nadeau, Pelosi, Peterson, T.; Pierce, Powell, Quinn, Sanders, Tarr, Theriault, Tozier, Truman, Twitchell, Wagner.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Cooney, Cox, Curran, P.; Curran, R.; Dam, DeVane, Doak, Drigotas, Dudley, Durgin, Farnham, Faucher, Fenlason, Finemore, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Kelley, Kennedy, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; McBrearty, McKernan, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Najarian, Palmer, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Post, Raymond, Rideout, Rolde, Rollins, Shute, Silverman, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Teague, Tierney, Torrey, Tyndale, Usher, Walker, Webber, Wilfong, Winship.

ABSENT — Goodwin, H.; Hinds, Leonard, Mackel, Norris, Snow.

Yes, 38; No, 105; Absent, 6.

The SPEAKER: Thirty-eight having voted in the affirmative and one hundred and five in the negative, with six being absent, the motion did not prevail.

Thereupon, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

On motion of Mr. Connolly of Portland, under suspension of the rules, that members be allowed to remove their jackets for the remainder of today's sessions.

Divided Report

Later Today Assigned

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-441) on Bill "An Act to Regulate Certain Oil Carrying Vessels in Maine Waters" (H. P. 723) (L. D. 900)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. BERRY of Cumberland
REEVES of Kennebec

— of the Senate.

Messrs. JACKSON of Yarmouth
GREENLAW of Stonington
MACKEL of Wells
JENSEN of Portland
BLODGETT of Waldoboro

Mrs. POST of Owls Head

— of the House.

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

Report was signed by the following members:

Messrs. WEBBER of Belfast
CONNERS of Franklin

CURTIS of Rockland
MILLS of Eastport

— of the House.

Reports were read.

Mr. Greenlaw of Stonington moved acceptance of the Majority "Ought to Pass" Report.

On motion of Mr. Mills of Eastport, tabled until later in today's session pending acceptance of the Majority Report.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act Relating to Proceedings Before the Public Utilities Commission" (H. P. 1259) (L. D. 1554)

Report was signed by the following members:

Messrs. CYR of Aroostook,
GREELEY of Waldo

— of the Senate.

Mrs. SAUNDERS of Bethel,
TARR of Bridgton,

Messrs. LITTLEFIELD of Hermon,
GRAY of Portland,
BERRY of Buxton

— of the House.

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

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot

— of the Senate

Messrs. KELLEHER of Bangor,
NADEAU of Sanford

— of the House.

Reports were read.

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

Mr. BERRY: Mr. Speaker, I move we accept the Majority "Ought Not to Pass" Report.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1554 is a bill that was put in at the urging of some people in Portland as a result of their involvement in a rate hike increase before the Public Utilities Commission involving Casco Bay Lines in the Casco Bay area.

Very simply, what this bill does is allows the Public Utilities Commission to require public utilities to pay or to reimburse reasonable expenses of public interest intervenors in public utility proceedings. At the present time, public utility rate payers are paying to have the commission told only why their rates should be increased.

This bill, if passed, authorizes the commission, under limited circumstances, and at the discretion of the commission, to have reasonable fees and expenses of intervening parties effectively representing significant segments of public interest groups to be paid by the utility rate payers so that the commission can get a more balanced presentation in proceedings before the Public Utilities Commission.

In the past five or six years, there have been a number of circumstances in which public interest groups have intervened in rate cases pending before the PUC. They represent a rate case with the Bangor Hydro, Central Maine Power Company, a group from Wiscasset intervened in a Central Maine Power rate increase and recently the Casco Bay Lines rate increase hearings that were conducted last spring.

Unquestionably, as the result of the public intervenors in the Casco Bay Line

rate increase hearings, they did have a significant impact in presenting a balanced point of view to the Public Utilities Commission when the ferry service requested a rate increase. Under the provisions of this particular bill, I repeat, the commission would have the discretionary power to appoint a public intervenor whose cost would be passed on to the utilities rate payers.

This is a reasonable measure, it allows an opportunity for a balanced presentation before the Public Utilities Commission in that currently now all of us as rate payers pay for the legal counsel and the attorney who are presenting the cases for the major utility companies.

Some people who are interested in this particular bill have suggested that it may seriously affect some of the smaller utility companies in the State of Maine. I concur with point of view and I also share that concern, and if this bill is allowed to go on its merry way, when we get it into second reader, I would be more than happy to submit an amendment that would in some way deal with the question of the smaller utility companies and provide a mechanism whereby they would not get overburdened by these public intervenors.

I hope that you will vote against the "Ought Not to Pass" Report on this particular bill so we can accept the "Ought to Pass" Report and consider this possible amendment.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I did have some reservations and the speaker touched on them. I believe this would affect all the water districts in the state, and I am very curious as to what the meaning of the word "significant" is?

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would ask the House this morning not to support the "Ought Not to Pass" Report, because I think the remarks made by the gentleman from Portland were quite clear to this House.

The hearing before the Public Utilities Committee, and I might use the term Senator Cyr likes to use, all the pros were there, meaning the pros that represent the various utilities of the state, telephone, electric, etc., in opposition to it.

Basically, I think the bill is a very sound one and if you look at it, and stop and consider what monies are involved based on what utility and telephone rates are going to be and because we, in ourselves, fund the opposition who come in and ask for their rate increases, it seems to be only fair that that the public, in general, would have an opportunity to have a very independent group of individuals there to present their case. It is not frivolous complainers that will be going before the PUC and asking for some kind of assistance in defraying the costs of their argument. These people, as the PUC Commission, has indicated, when they were before the committee, would have to prepare their arguments in a manner and fashion that would take some serious consideration. The guy off the corner of the street is not going to go in and stand up before the PUC and say, I basically object

and then leave and expect to get some kind of remuneration for his involvement. They won't be frivolous individuals or frivolous groups going before this commission asking for permission to have their case paid for in the manner and fashion that we are now doing for those who are coming in for rate increases that are affecting you and I.

Just remember this, we are paying for the other side; there is absolutely no reason why ourselves shouldn't be paid to have an independent group appear before the commission to either argue for or against any rate increases.

I would urge the House to support the "Ought Not to Pass" and I apologize that I was called out or I think we would be arguing for the "Ought to Pass" Report right at this moment.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: So seldom I disagree with the gentleman from Bangor, Mr. Kelleher but this morning I feel compelled to.

Down through my years of being around here, I came with many groups before the Utilities Commission and I always thought the public was quite well represented there, at least I felt as though the groups I came with were and I think they got their point across very well. I have been to many hearings involving rate increases and I thought both sides presented their case well. I see no need for a bill of this nature and I certainly disagree with the gentleman from Bangor and I suggest that maybe he hasn't been to many of these rate hearings, because any that I have been to were well presented as well as they would be for a Milk Commission hearing. They were well presented in both sides.

I don't see a need for this. There is no cry from my people for it. They didn't feel as though they were discriminated against when they were here. I donated some time and perhaps I shouldn't have but I felt that I should bring these people down and introduce them and say a few words in their behalf. I think Mr. Kelleher probably should do that for his constituents. If they feel as though they need an attorney, there is such a group of them as a rule that are for these things, it wouldn't be over 50 cents or \$1.00 apiece and they could hire an attorney.

When you start getting the public or us into hiring attorneys and paying their fee to come down here, you are opening up a pretty big door, and I hope we don't get into this type of thing. I think it is working well as it is now.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: As this bill is written, it would not involve any taxpayer money, so as taxpayers we would not be paying for any of these interventions.

The basic idea of this bill is that if the rate payers in a utility case are paying for the presentation of all the arguments as to why their rates ought to be increased, they should also have a chance to have a presentation as to why their rates are not to be increased. I think if you ask the rate payers, almost any rate payer, which side he would rather pay for, I think you would find that he would rather pay for the arguments as to why the rates ought not to be increased, and that is what this bill would enable the PUC to do. It would have the discretion to allow and award where it

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CURTIS of Rockland
MILLS of Eastport

— of the House.

Reports were read.

Mr. Greenlaw of Stonington moved acceptance of the Majority "Ought to Pass" Report.

On motion of Mr. Mills of Eastport, tabled until later in today's session pending acceptance of the Majority Report.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act Relating to Proceedings Before the Public Utilities Commission" (H. P. 1259) (L. D. 1554)

Report was signed by the following members:

Messrs. CYR of Aroostook,
GREELEY of Waldo

— of the Senate.

Mrs. SAUNDERS of Bethel,
TARR of Bridgton,

Messrs. LITTLEFIELD of Hermon,
GRAY of Portland,
BERRY of Buxton

— of the House.

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

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot

— of the Senate

Messrs. KELLEHER of Bangor,
NADEAU of Sanford

— of the House.

Reports were read.

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

Mr. BERRY: Mr. Speaker, I move we accept the Majority "Ought Not to Pass" Report.

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

Mr. LaPOINTE: Mr. Speaker, Ladies, and Gentlemen of the House: L. D. 1554 is a bill that was put in at the urging of some people in Portland as a result of their involvement in a rate hike increase before the Public Utilities Commission involving Casco Bay Lines in the Casco Bay area.

Very simply, what this bill does is allows the Public Utilities Commission to require public utilities to pay or to reimburse reasonable expenses of public interest intervenors in public utility proceedings. At the present time, public utility rate payers are paying to have the commission told only why their rates should be increased.

This bill, if passed, authorizes the commission, under limited circumstances, and at the discretion of the commission, to have reasonable fees and expenses of intervening parties effectively representing significant segments of public interest groups to be paid by the utility rate payers so that the commission can get a more balanced presentation in proceedings before the Public Utilities Commission.

In the past five or six years, there have been a number of circumstances in which public interest groups have intervened in rate cases pending before the PUC. They represent a rate case with the Bangor Hydro, Central Maine Power Company, a group from Wiscasset intervened in a Central Maine Power rate increase and recently the Casco Bay Lines rate increase hearings that were conducted last spring.

Unquestionably, as the result of the public intervenors in the Casco Bay Line

rate increase hearings, they did have a significant impact in presenting a balanced point of view to the Public Utilities Commission when the ferry service requested a rate increase. Under the provisions of this particular bill, I repeat, the commission would have the discretionary power to appoint a public intervenor whose cost would be passed on to the utilities rate payers.

This is a reasonable measure, it allows an opportunity for a balanced presentation before the Public Utilities Commission in that currently now all of us as rate payers pay for the legal counsel and the attorney who are presenting the cases for the major utility companies.

Some people who are interested in this particular bill have suggested that it may seriously affect some of the smaller utility companies in the State of Maine. I concur with point of view and I also share that concern, and if this bill is allowed to go on its merry way, when we get it into second reader, I would be more than happy to submit an amendment that would in some way deal with the question of the smaller utility companies and provide a mechanism whereby they would not get overburdened by these public intervenors.

I hope that you will vote against the "Ought Not to Pass" Report on this particular bill so we can accept the "Ought to Pass" Report and consider this possible amendment.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I did have some reservations and the speaker touched on them. I believe this would affect all the water districts in the state, and I am very curious as to what the meaning of the word "significant" is?

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would ask the House this morning not to support the "Ought Not to Pass" Report, because I think the remarks made by the gentleman from Portland were quite clear to this House.

The hearing before the Public Utilities Committee, and I might use the term Senator Cyr likes to use, all the pros were there, meaning the pros that represent the various utilities of the state, telephone, electric, etc., in opposition to it.

Basically, I think the bill is a very sound one and if you look at it, and stop and consider what monies are involved based on what utility and telephone rates are going to be and because we, in ourselves, fund the opposition who come in and ask for their rate increases, it seems to be only fair that that the public, in general, would have an opportunity to have a very independent group of individuals there to present their case. It is not frivolous complainers that will be going before the PUC and asking for some kind of assistance in defraying the costs of their argument. These people, as the PUC Commission, has indicated, when they were before the committee, would have to prepare their arguments in a manner and fashion that would take some serious consideration. The guy off the corner of the street is not going to go in and stand up before the PUC and say, I basically object

and then leave and expect to get some kind of remuneration for his involvement. They won't be frivolous individuals or frivolous groups going before this commission asking for permission to have their case paid for in the manner and fashion that we are now doing for those who are coming in for rate increases that are affecting you and I.

Just remember this, we are paying for the other side; there is absolutely no reason why ourselves shouldn't be paid to have an independent group appear before the commission to either argue for or against any rate increases.

I would urge the House to support the "Ought Not to Pass" and I apologize that I was called out or I think we would be arguing for the "Ought to Pass" Report right at this moment.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: So seldom I disagree with the gentleman from Bangor, Mr. Kelleher but this morning I feel compelled to.

Down through my years of being around here, I came with many groups before the Utilities Commission and I always thought the public was quite well represented there, at least I felt as though the groups I came with were and I think they got their point across very well. I have been to many hearings involving rate increases and I thought both sides presented their case well. I see no need for a bill of this nature and I certainly disagree with the gentleman from Bangor and I suggest that maybe he hasn't been to many of these rate hearings, because any that I have been to were well presented as well as they would be for a Milk Commission hearing. They were well presented in both sides.

I don't see a need for this. There is no cry from my people for it. They didn't feel as though they were discriminated against when they were here. I donated some time and perhaps I shouldn't have but I felt that I should bring these people down and introduce them and say a few words in their behalf. I think Mr. Kelleher probably should do that for his constituents. If they feel as though they need an attorney, there is such a group of them as a rule that are for these things, it wouldn't be over 50 cents or \$1.00 apiece and they could hire an attorney.

When you start getting the public or us into hiring attorneys and paying their fee to come down here, you are opening up a pretty big door, and I hope we don't get into this type of thing. I think it is working well as it is now.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: As this bill is written, it would not involve any taxpayer money, so as taxpayers we would not be paying for any of these interventions.

The basic idea of this bill is that if the rate payers in a utility case are paying for the presentation of all the arguments as to why their rates ought to be increased, they should also have a chance to have a presentation as to why their rates are not to be increased. I think if you ask the rate payers, almost any rate payer, which side he would rather pay for, I think you would find that he would rather pay for the arguments as to why the rates ought not to be increased, and that is what this bill would enable the PUC to do. It would have the discretion to allow and award where it

felt that it was justified. It doesn't require that they do it, it just simply gives them the authority to do that where they feel that a good case has been made which has helped them in making their rate determination.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't like to disagree with the gentleman from Enfield, Mr. Dudley, but I think I am going to have to in terms of my own experiences in going before the PUC.

In the recent Central Maine Power Company rate increase, the Public Utilities Commission did come to Portland, they held a series of public meetings, rather a series of public hearings in Portland relative to soliciting testimony and evidence concerning that particular rate increase. I went to that public hearing; I sat in the audience along with about 6 or 7 members of the public. They turned to me and I turned to them and they would say, do you know what is going on? Do you know who is arguing what? Do you think if you go up there and speak before this auspicious group of people who are making decisions about impending rates for the Central Maine Power Company that what you have to say will have any impact, let alone be understood, because you don't understand the proceedings?

I think clearly today the whole question of regulatory law and the proceedings before the Public Utilities Commission is an extremely complex matter. It requires a degree of sophistication. It requires a degree of basic understanding of regulatory law. You have to know procedure. You have to understand the proceedings, much in the same way we come before this legislature and work here, that we have to understand those proceedings and those procedures.

I suggest to you this morning that members of the public who go before the Public Utilities Commission in any of these sort of rate hearing cases certainly don't know what is taking place. Furthermore, when they go before the PUC, the Chairman usually asks whether they are submitting testimony or whether they are offering an opinion, and most of the time when the public goes into speak, they are offering an opinion.

I suggest to you this morning, based upon my own experiences, that when members of the public go before the PUC they are outgunned, they are not sophisticated enough to make their case and that is what this particular bill would do. This is a sound bill. It provides an opportunity for the other side to be represented, the case of the rate payers. I have suggested to you already this morning that if we allow this bill to go into second reading, we will present an amendment to protect the small utilities so they won't get socked under the provisions of this particular bill. I urge you to accept the "Ought to Pass" Report.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I wish to stand in support of Mr. Connolly's motion because of past experiences in our area regarding the PUC and rate increases.

As perhaps most of you know, I come from the Rangeley region. I won't say too much more about that, except that in the past, many times the community has met before the Public Utilities Commission

objecting to rate increases which we felt were unreasonable and uncalled for. We were listened to but evidently unheard. Finally, in the last agonies of asking for relief, we banded together with one or two other communities and hired ourselves a lawyer to present our case. Since then, according to the Maine Times, some action is taking place.

I suggest to you that perhaps if we had had some legal help prior to our having to go and hire it ourselves, if the PUC would have been presented our side of the case legally, perhaps, they might have heard it just a little bit clearer and the action that is being taken now would have been taken a little bit earlier and would have helped some of these small communities with these private public utilities operating around the state. Therefore, I would like to support Mr. Connolly in his motion.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be very brief. In my opinion, this is one of the better bills that has been presented in this session so far and I think if anyone from the public and the State of Maine that had occasion to attend even one hearing of the Public Utilities Commission and see what confusion and what problems they have to go through in order to get their side of the story heard, I think they would support this bill 100 percent and I think the legislature would be very remiss if they did not support this bill today. I hope you go along with the "Ought to Pass" Report.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I have to concur wholeheartedly with the gentleman from Portland, Mr. Mulkern. As Mr. Dudley from Enfield stated, both sides presented cases, but the attorneys for the people representing utilities were pros and we pay for those pros. Why shouldn't we have pros defending ourselves as rate payers for these certain utilities?

I make an analogy of saying that it is just like you have been arrested and you pay your taxes and you pay to be prosecuted but, yet, as far as defending yourself, you also have to pay for that, yet, you are not getting reimbursed for it unless you are indigent and need counsel.

I have to go along wholeheartedly with Mr. LaPointe. I urge you to accept the Minority "Ought to Pass" Report.

The SPEAKER: The pending question before the House is the motion of the gentleman from Buxton, Mr. Berry, that the House accept the Majority "Ought Not to Pass" Report. The Chair will order a vote. If you are in favor, you will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Burns of Anson 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 Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: As one of the signers of the "Ought Not to Pass" Report,

I would just like to make two or three comments relative to the item that is before you.

I think probably the bill looks good to everybody. It appears to be a very good consumer issue, but when somebody goes to appear as an intervenor before the PUC, this isn't a case of walking in off the streets and requesting to be an intervenor. If you are appearing before a PUC hearing discussing a rate increase for Central Maine Power, for example, you are going to have to prepare for a good number of months, probably 8 or 9 months in advance before you go before the PUC.

Okay, so you take the 8 or 9 months, you hire one attorney or two or three or however many you want to to build your case, thinking maybe all the while that you don't have to be too cautious how much this is going to cost because the utilities are going to pay you. Maybe they are maybe they aren't, because the bill says that the PUC will decide whether or not the information you brought to them is information that they can use in their discussion of the rate case, whether or not it is useful information and if it is, maybe, they will pay for the case that you have prepared. If it isn't, then they are not going to pay for it. I would ask you this, given those conditions, how many people would undertake and go out and hire two or three attorneys to prepare a case and I think the answer is, not many, because you have no guarantee that you will be reimbursed. You have no guarantee that any of the information that you might gather would even be useful.

It has been mentioned a couple of times that the pros are at all of them. They are always there. Those are the objections that I have to that bill and that is why I signed the "Ought Not to Pass" Report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If you listened very carefully to the remarks made by the good gentleman from Buxton, Mr. Berry, I think that he, in his remarks, stated that just not the average individual is going to take the time and put the expense in preparing a case to go before the PUC without putting the type of a presentation together that the commission may consider to see justified in paying for this independent intervenor. I think by his very remarks that the average guy or what we may consider frivolous complaint groups are not going to be taking advantage of something that I believe the PUC wouldn't allow them to begin with.

You and I are paying for the utilities to go in and argue you for a rate increase right now out of our own pockets and so are our constituents. I can't, for the life of me, understand how, as members of this legislature, that you would vote against allowing the PUC to 'may' consider an independent group to represent the consumers going before the commission either asking to encourage the commission to increase rates that the utilities have presented or presenting a strong case in not. You are already paying for the utilities to go before the commission as I said before, why would you deny yourselves an opportunity to have an independent group there speaking for you as well?

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

Mr. PERKINS: Mr. Speaker, may I be

excused from voting on this bill as a possible conflict?

The SPEAKER: The gentleman may be excused pursuant to the rules. The gentleman from South Portland is excused.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the better bills of the session and one of the more interesting and like all basically good proposals or good laws, it is really simple.

When a utility hires Pierce, Atwood, Scribner, McGillicuddy and whoever these expensive law firms are to argue the rate cases, that money is coming from the pocket of the people who pay the rates. I would suggest that the people who pay the rates should be entitled to have a lawyer to argue their side of it. It is that simple.

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

Mr. SPENCER: Mr. Speaker, I ask to be excused on this vote.

The SPEAKER: The gentleman from Standish, Mr. Spencer asks to be excused and the request is granted.

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

Mr. MCKERNAN: I also would like to be excused on this vote.

The SPEAKER: The gentleman from Bangor, Mr. McKernan asks to be excused and the request is granted.

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

Mr. PEAKES: Mr. Speaker, I would also like to be excused.

The SPEAKER: The gentleman from Dexter, Mr. Peakes, wishes to be excused and the request is granted.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to ask to be excused. This bill, if we carry it on through to its conclusion, the thesis that is in back of it, we are saying that I could sue anyone. Someone else would come along and join with me in this suit and the individual who is being sued would pay for that individual's court costs and legal fees. Just how far are we going to go? There already is available to the groups several different legal counselors at no charge if they qualify. We have already authorized the Attorney General of the State of Maine to represent intervenors and for the PUC so, therefore, we might want to tack a fiscal note onto this bill that the state coffers would be reimbursed by the PUC or through the PUC for the expense that the state could go through any intervenor.

The SPEAKER: The pending question before the House is the motion of the gentleman from Buxton, Mr. Berry, that the House accept the Majority "Ought Not to Pass" Report. A roll call has been ordered. If you are in favor, you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berry, G. W.; Berry, P. P.; Birt, Bowie, Burns, Call, Carpenter, Carroll, Conners, Dam, Dudley, Durgin, Finemore, Garsoe, Gould, Gray, Hewes, Hinds, Hunter, Hutchings, Immonen, Kauffman, Kelley, Leonard, Lewis, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, McBreairty, Mills, Miskavage, Morton, Palmer, Perkins, T.; Peterson, P.; Pierce, Rideout, Shute, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tyndale, Webber.

NAY — Albert, Bachrach, Bagley, Bennett, Berube, Blodgett, Boudreau, Bustin, Byers, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Doak, Dow, Drigotas, Dyer, Farley, Farnham, Faucher, Fenlason, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Higgins, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lewin, Lizotte, MacEachern, Martin, A.; Martin, R.; Maxwell, McMahon, Mitchell, Morin, Mulhern, Nadeau, Najarian, Norris, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rolde, Rollins, Silverman, Smith, Snow, Snowe, Sprowl, Strout, Talbot, Tierney, Tozier, Truman, Twitchell, Usher, Wagner, Walker, Wilfong, Winship.

ABSENT — Carey, Littlefield, McKernon, Peakes, Perkins, S.; Saunders, Spencer.

Yes, 50; No, 92; Absent, 7.
The SPEAKER: Fifty having voted in the affirmative and ninety-two in the negative, with seven being absent, the motion does not prevail.

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

Consent Calendar

First Day

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

Bill "An Act to Establish a Sign on the Maine Turnpike Near the Augusta Exit to Indicate the City of Hallowell" — Committee on Transportation reporting "Ought to Pass" (H. P. 1309) (L. D. 1588).

Bill "An Act to Amend the Fishing Laws of the State of Maine" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-442) (H. P. 1250) (L. D. 1531).

Bill "An Act to Clarify the Estimated Premium Tax Law" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-165) (S. P. 260) (L. D. 857).

No objections being noted the above items were ordered to appear on the Consent Calendar of May 23, 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 Require the Owners of Foster Homes and of Nursing Institutions to Account for Funds Belonging to Persons Entrusted to their Care" (C. "A" S-159) (S. P. 81) (L. D. 254).

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

Bill "An Act Relating to State Employees Serving in Acting Capacities" (C. "A" S-160) (S. P. 119) (L. D. 384).

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

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (S-160) was

read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act Providing Funds for Bancroft School Facility for Seriously Disturbed Children at Owls Head" (C. "A" S-158) (S. P. 280) (L. D. 992).

Bill "An Act to Create a Commission to Prepare a Revision of the Eminent Domain" (C. "A" S-157) (S. P. 426) (L. D. 1392).

(H. P. 1568) (L. D. 1873) Bill "An Act to Increase Borrowing Capacity of Topsham Sewer District" (Emergency).

(H. P. 1169) (L. D. 1467) Bill "An Act Relating to the Expediting of Procedures under the Municipal Employee Labor Relations Board" (C. "A" H-428).

(H. P. 923) (L. D. 1140) Bill "An Act Appropriating Additional Funds to Provide Matching Funds for State Participation in the United States Department of Commerce Sea Grant Program" (C. "A" H-429).

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

(H. P. 1198) (L. D. 1786) Bill "An Act to Incorporate Howland Water District" (C. "A" H-430).

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

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-430) was read by the Clerk and adopted and assigned for second reading tomorrow.

Passed to Be Engrossed

Bill "An Act to Clarify the Maine Mining Law to Reform Procedures for Handling of Licenses and Lease Negotiations and to Increase Income from Mineral Operations" (S. P. 405) (L. D. 1308).

Bill "An Act to Make Allocations from the Department of Inland Fisheries and Game for the Fiscal Years Ending June 30, 1976 and June 30, 1977" (H. P. 1602) (L. D. 1884) (Emergency).

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 Create the Commission on Education Finance" (Emergency) (H. P. 1622) (L. D. 1897).

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

(On motion of Mr. Lynch of Livermore Falls, tabled pending passage to be engrossed and specially assigned for Tuesday, May 27.)

Bill "An Act to Promote Efficiency in Public Utilities" (H. P. 1315) (L. D. 1633).

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

Bill "An Act Relating to Utility Rate-making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies" (H. P. 1306) (L. D. 1590).

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

(On motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and specially assigned for Tuesday, May 27.)

Bill "An Act Exempting Machinery and Equipment used for Manufacturing and Research from Sales and Use Tax" (H. P. 1325) (L. D. 1626)

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

Amended Bills

Bill "An Act Relating to the Maintenance of Vital Records" (S. P. 322) (L. D. 1099) (S. "A" S-170)

Bill "An Act Concerning Landlord-Tenant Relationship in Mobile Home Parks" (S. P. 432) (L. D. 1418) (S. "A" S-162)

Bill "An Act to Clarify the Mandatory Provisions of the Workmen's Compensation Act with Respect to Farm Laborers" (H. P. 936) (L. D. 1178) (C. "A" H-427)

Bill "An Act to Provide for Date of Election on Applications for Absentee Voting" (H. P. 796) (L. D. 969) (H. "A" H-432 to C. "A" H-417)

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

Second Reader

Later Today Assigned

Bill "An Act Relating to Verifying Facts Supporting the Eligibility of Applicants for Aid for Families with Dependent Children" (H. P. 1467) (L. D. 1726) (C. "A" H-419)

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

(On motion of Mr. Rolde of York, tabled pending passage to be engrossed as amended and later today assigned.)

Bill "An Act to Clarify the Authority of Municipalities to Undertake Activities Pursuant to the Housing and Community Development Act of 1974" (Emergency) (H. P. 641) (L. D. 813) (C. "A" H-387)

Bill "An Act to Permit Individuals to Pay Fines for Minor Traffic Violations without Having to Appear in Court" (H. P. 1452) (L. D. 1725) (C. "A" H-267)

Bill "An Act Relating to Licensing and Fee Requirements for Private Detective, Watch, Guard or Patrol Agencies" (H. P. 1299) (L. D. 1575) (H. "A" H-435) to C. "A" H-266)

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

Passed to Be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House necessary, a total was taken. 108 voted in favor of same and 9 against and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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. 111 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.

Emergency Measure Tabled and Assigned

An Act to Reassign the Functions of the Department of Commerce and Industry and the Office of Energy Resources (S. P. 440) (L. D. 1456)

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

(On motion of Mr. Kelleher of Bangor, tabled pending passage to be enacted and specially assigned for Tuesday, May 27.)

Emergency Measure

An Act Relating to Issuing of Fishing and Hunting Licenses (S. P. 458) (L. D. 1512)

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. 109 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 Playing Card Games, for Prizes (H. P. 573) (L. D. 708)

An Act to Increase Costs and Fees Taxed, and Allowed in the District Court (H. P. 852) (L. D. 1041)

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

An Act Concerning the Purchase of Tax Delinquent Land by Municipal Officials (H. P. 941) (L. D. 1180)

An Act Concerning the Furnishing of Updated Voting Lists by Registrars (H. P. 1020) (L. D. 1299)

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

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

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

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

Mr. ROLLINS: Mr. Speaker, I move the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Dixfield, Mr. Rollins, moves the rules be suspended for the purpose of reconsideration. Is there objection?

The Chair hears objection. The pending question is shall the rules be suspended. The Chair will order a vote. This requires a two-thirds vote of those present and voting. All those in favor of the rules being

suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Fraser of Mexico requested a roll call vote.

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

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

The SPEAKER: The pending question is, shall the rules be suspended for the purpose of reconsideration. All in favor of the rules being suspended will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Chonko, Churchill, Clark, Conners, Connolly, Curtis, Dam, DeVane, Doak, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Garsoe, Goodwin, K.; Gould, Gray, Henderson, Hewes, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jackson, Joyce, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Lavery, Lewin, Lewis, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Morin, Morton, Mulhern, Norris, Palmer, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Raymond, Rollins, Shute, Silverman, Snow, Snowe, Sprowl, Stubbs, Talbot, Tarr, Torrey, Tozier, Tyndale, Usher, Wagner, Walker, Webber.

NAY — Bennett, Berry, P. P.; Bustin, Carey, Carroll, Carter, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, Dow, Drigotas, Flanagan, Fraser, Gauthier, Goodwin, H.; Greenlaw, Hall, Hennessey, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Kany, Kauffman, LeBlanc, Leonard, Lizotte, Martin, R.; Mills, Mitchell, Nadeau, Najarian, Peakes, Powell, Quinn, Rideout, Rolde, Smith, Theriault, Tierney, Truman, Twitchell, Wilfong, Winship.

ABSENT — Carpenter, Hinds, Littlefield, Mackel, Perkins, S.; Saunders, Spencer, Strout, Susi, Teague.

Yes, 91; No, 48; Absent, 10.

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

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

An Act to Increase the Minimum Wage, to \$2.30 an Hour (H. P. 1521) (L. D. 1834)

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

Orders of the Day

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

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 20, 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 Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker, I would like to apologize to the members of the House for interrupting their weekends and the last few days where they had to run their gauntlet, vis-a-vis the significant lobby that has been engaged in this particular bill.

I would ask you all to vote against the indefinite postponement of this particular bill and I would like to speak to that particular motion.

Most people in the state, I think, would be very, very surprised, I think at the tremendous amount of power that a lot of our state statutes and our state agencies have relative to competition in the marketplace. A lot of states, particularly the State of Maine, prohibit vertical price fixing and through fair trade laws they severely restrict the ability of people to enter new fields through strict occupational licensing laws. They prohibit sellers of services from competing with one another through prohibitions such as this on the advertising of goods and in some cases they even grant monopolies through the exclusive franchising and setting up of exclusive franchising, such as the branch banking law which recently has been circumvented.

I would like to point out to the members of the House that it has been clearly stated in previous debate that this particular measure here could have an effect on the cost of eyeglasses to the consumers of the State of Maine who at a time of spiraling inflation are facing increased costs in other commodities that they have to purchase. The price reduction could be anywhere from 25 to 100 percent. I would further like to point out that 90 percent of the eyeglasses that are manufactured in this country today are manufactured by three major companies. They are Bausch and Lomb, American Optical and Sherwin Continental.

Some of the arguments that have been used in opposition to this particular bill have been that there is no quality control and the consumers would fall prey to bait and switch tactics. As I pointed out in previous debate, that bait and switch is controlled by state statutes as well as by the federal trade commission, specifically in the area of optometric devices.

Finally, I would like to respond to the fact sheet that has been circulated by the Maine Optometric Association relative to L. D. 1068. I think in a lot of ways this is an exercise in intellectual dishonesty. The facts that they have circulated really in some ways are just simply dishonest or at least they only look at one side of the coin.

Let's look at item number six, promoting the sale of eyeglasses in the same manner that we would promote the sale of a bar of soap is potentially too dangerous to the eyesight of the public and the people of the State of Maine.

This is permissive legislation. I would like to point that out. It is no more dangerous than the permissive advertising statute that we recently passed and was signed by the Governor as it relates to prescription medicines. But I would also suggest that we are going to be dealing possibly with a bill at a later time, possibly in the next two weeks, relative to the application of topical drugs to the eyes of the people in the State of Maine by

optometrists, which is potentially more dangerous to the eyecare and the health of the people of the State of Maine.

I think this is purely a simple, economic question. I think some tremendous economic benefits would befall to the people of the State of Maine if this particular measure passes. I would hope that you would vote against the indefinite postponement of this particular bill so that we can get on with more urgent and pressing business, and I ask for a division.

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

Mr. LOVELL: Mr. Speaker and Members of the House: I have spoken on this several times, but I would just briefly like to say that you adhere to your position that you took last Friday. This bill is really not necessary. The good gentleman from Gorham has shown us that you can go into a supermarket and buy glasses for \$3.98 a pair. You don't have to advertise these. When you start to advertise drugs, glasses or whatever you advertise, the price goes up.

The good gentleman from Portland, Mr. LaPointe, says bait and switch. Well I don't know if they do that, these larger companies, when they come in to a state and the opticians who aren't licensed manufacture glasses, they do this now. I don't know who is going to enforce this law of bait and switch. Certainly they don't have anyone in the Department of Health and Welfare or any organization to enforce this. So I imagine you will get some bait and switch.

The prices of eyeglasses and testing for eyeglasses isn't high in the State of Maine, and you are putting a profession on the spot. You are putting a definite profession of optometry on the spot and I don't think we should do it.

I have got a pair of eyeglasses on that I could drop on the floor too this morning, because they only cost me \$25. Now the good gentleman says his glasses were only \$3.59. I think I would rather have my glasses than his, because he is apt to get glaucoma, but my eyes were tested very properly, and I don't think that I am going to get glaucoma. I would urge this House to adhere to the vote of last Friday.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I have taken a good deal of interest in this bill since our discussion last Friday and I have taken pains to call and talk personally and on the telephone with a number of people, both optometrists, opticians, dispensing opticians and some M.D.'s on the subject, and I think we are getting a lot of confusion on this issue. I don't know if any of it is deliberate or not, but my main concern was twofold. I was concerned about the quality of the glasses that would be dispensed to a consumer, number one, and I was equally concerned about the cost to that consumer, because I think that is a major problem.

There are two or three basic steps in the whole process of dispensing eyeglasses. Number one, you get an examination by some optician, an optometrist, an ophthalmologist whatever. If you have a corrective need, he gives you a prescription, which you then may take, if you can find a dispensing optician who will deal with the retail customer, you can take it to him and get that prescription filled. It is at this stage that there is no quality control in this system. Optometrists, ophthalmologist are licensed and must

adhere to standards set up by the State Board of Ophthalmology.

There are no licensing standards for dispensing opticians, largely due to the efforts, the lobbying efforts in the 106th Legislature of the optometrists themselves to prevent such legislation. They say they opposed it because it would have given power to two opticians to dispense contact lenses. If that was the case, I would suggest that with their expertise they could have suggested corrective amendments that would have taken care of that. But now they turn around and say we cannot control the quality of the process because your opticians are not dispensing, they will be put on an assembly line basis by LaVerdiere's and other numbers oriented people who want to compete on a volume basis.

Well, I would say if this happens, if these outlets hire an optometrist who is dealing on a production line basis, these are licensed optometrists, licensed ophthalmologists and they through peer review have the responsibility to see that the public health is not suffering from that.

I had a little trouble talking with optometrists and opticians and finding out whether there is indeed any difference in the glass, in the optical glass, the raw material itself, whether you buy a set of lenses for \$3 or pay \$13 or \$20 for similar optical glass from American Optical or one of the brand name outfits.

Some told me there was a quality difference and in general they did not appear too knowledgeable about what the actual situation of the optical glass was, and finally when pressed, I satisfied myself that there is no difference, except possibly with foreign bought optical glass. In this country, it is true, two or three manufacturers make the bulk of the optical glass, in fact Corning Glass Company makes the bulk of it. If you are ever in Corning, New York, I suggest that you stop off at the Corning Glass center, you can look at a 20 foot slab of optical glass that is extruded in this continuous process I spoke of before, melted on platinum, very few inclusions and you can read a card through 20 feet of that as though it was right in front of you.

The only that you could have an inferior quality glass, going to Texas or California, is if the glass companies, Corning primarily, are dumping their inferior quality this way, and I suggest that that is true with the optometrist and the opticians of this country have a responsibility to police their own industry and prevent that.

One last thing, I lived a couple years in the State of Utah, which is a state that is very oriented toward high quality medical care. I believe they have the lowest infant death rate in the country, and they do allow advertising of prescription glasses there. They are cheaper there. In Salt Lake City there is a strong movement towards group practice in medicine, dentistry and optometry. You can get quality care of at a lower cost.

I think we are hearing a lot of side issues here that are set up deliberately to cloud this whole issue. I think we are dealing with an issue of protectionism. I suggest that if we pass this bill and there are problems with dispensing opticians, then it will be time to license those opticians and control that problem.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I have to oppose this bill. One reason, I suppose, is because

I have been going to the same eye doctor up home for a good many years. I have always had satisfaction and no exorbitant charges. As a matter of fact, my wife and I have gone to him year after year and had no change whatsoever. Last year I changed one lens and the cost was less than \$40.

I heard a lot of remarks made here last week about these doctors charging exorbitant prices. It is not so in my area.

I am afraid if this advertising gets out, quality will reduce and with eyeglasses of poor quality hurts one's vision. This bill has no safeguards whatsoever. Texas does allow advertising and has had many problems, so for these reasons, I have to oppose this bill.

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

Mr. HENNESSEY: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the "Ought Not to Pass" report, I believe and I did this with great concern that yes, price might be a factor but I think that more than the price, the actual eye care is what we are all looking for in this bill, so I urge you to go along with indefinite postponement.

The SPEAKER: The pending question before the House is the motion of the gentleman from Sanford, Mr. Lovell, that this bill and all its accompanying papers be indefinitely postponed. The Chair will order a division. If you are in favor of indefinite postponement, you will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. LaPointe of Portland requested a roll call.

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

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

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

ROLL CALL

YEA — Albert, Ault, Bachrach, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Bowie, Call, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Conners, Cote, Cox, Curran, P.; Curran, R.; Dam, DeVane, Doak, Dow, Dudley, Durgin, Farley, Farnham, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, K.; Gould, Gray, Hennessey, Hunter, Hutchings, Immonen, Jalbert, Kauffman, Laffin, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahon, Mills, Morin, Morton, Mulkern, Perkins, S.; Peterson, P.; Pierce, Powell, Raymond, Rideout, Rollins, Shute, Silverman, Smith, Snowe, Sprowl, Tarr, Teague, Theriault, Torrey, Truman, Twitchell, Tyndale, Usher, Walker, Webber.

NAY — Bagley, Berube, Boudreau, Burns, Bustin, Byers, Carter, Connolly, Cooney, Curtis, Davies, Dyer, Faucher, Fenlason, Goodwin, H.; Greenlaw, Hall, Henderson, Hewes, Higgins, Hobbins, Hughes, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, LaPointe, Lewis, Mackel, McKernan,

Mitchell, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, T.; Peterson, T.; Post, Quinn, Rolde, Snow, Spencer, Strout, Stubbs, Susi, Talbot, Tierney, Tozier, Wagner, Winship.

NAY — Bennett, Drigotas, Jacques, Miskavage, Palmer, Saunders, Wilfong. Yes, 87; No, 55; Absent, 7.

The Speaker; Eighty-seven having voted in the affirmative and fifty-five in the negative, with seven being absent, the motion does prevail.

Sent up for concurrence.

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

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 20, by Mr. Peterson of Windham.

Pending — Acceptance of either Report.

On motion of Mr. Curran of Bangor the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

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

Tabled — May 20, by Mr. Cooney of Sabattus.

Pending — Passage to be Engrossed.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to speak very extensively on this bill this morning, but I probably will go into it in much greater detail when it comes up for enactment. I would hope that you might take a look at this, because I think it is a very serious proposition that requires some serious consideration and I am personally opposed to it. I will go into it in quite some detail later, but I would hope that you take a good look at it and keep an open mind and we will discuss it at the time of enactment.

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

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

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) — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (S-140), May 14.

Tabled — May 20, by Mr. Dam of Skowhegan.

Pending — Passage to be Engrossed as amended.

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

Mr. CONNERS: Mr. Speaker, could I have this tabled for two legislative days?

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

Mr. PERKINS: Mr. Speaker, I would ask for a division.

The SPEAKER: The gentleman from South Portland, Mr. Perkins requests a division. If you are in favor of tabling for two legislative days, you will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, this Bill was passed to be engrossed as amended in concurrence.

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

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 20, by Mr. Peterson of Windham.

Pending — Passage to be Engrossed.

On motion of Mr. Morton of Farmington, under suspension of the rules, the House reconsidered its action of May 20 whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-422) was read by the Clerk.

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I trust you can find on your desks the various papers involved here, the L. D. 730, the Committee Amendment "A" and the House Amendment "A" to Committee Amendment "A" which is what we have before us. Basically, if you will just look at the Statement of Fact on House Amendment "A" to Committee Amendment "A", it provides for the municipal officers to issue all permits unless they choose not to or the DEP intervenes. It shortens the time for ambers on which they have to operate and it provides equal appeal to superior court and allows for the repair and maintenance. These were items which were not even covered in the committee amendment.

Ladies and gentlemen, I don't intend to debate this at great length at this point, but I want you to know that I feel this is the direction that the people of Maine are looking for us to go. I think we are at a crossroads now and I think the people of Maine are looking to this legislature to turn some of the problems that have been given to the state, back to the local areas to make decisions on, particularly the simple and easy ones, so I urge that you adopt this amendment.

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

Mr. PETERSON: Mr. Speaker and Men and Women of the House: I move the indefinite Postponement of House Amendment "A" and would speak to my motion.

The bill that Mr. Morton presented to the Natural Resources Committee, was presented, it had a public hearing and we listened to the problem of the gentleman from Farmington, Mr. Morton and he did have a very unpleasant, a very lengthy problem, in trying to make a repair or alteration to an existing structure on the coastal wetland. In fact, there was an inordinate amount of time that he had to wait, and I am not going to make excuses for bureaucrats but a decision has been made by this legislature that the coastal

wetlands of this state are of great importance to the economy and the ecology of this state.

Coastal wetlands affect the fishing industry, the clamming industry and other associated aquaculture endeavors and they have been attempted to be protected from major filling and dredging operations and, therefore, this duty was turned over to the Board of Environmental Protection who has the Marine Biologists and the staff to go out and determine whether or not a filling or dredging operation in the coastal wetland will jeopardize the wetlands.

Mr. Morton's amendment is a direction in the right direction but I think it is too fast. He wants to turn over all the permits to municipalities for all dredging and filling endeavors and he allows the Board of Environmental Protection to intervene within a period of ten days of receipt of the application but the Board of Environmental Protection is a part-time board which this Body has approved and which is acting on a measure that is presently in the other Body which keeps a part-time board. That part-time board only meets twice a month so its possible that when these applications are received, the board will not be in session and will not have the opportunity to intervene in one of these wetlands permit applications.

I have talked with the people over there and their policy will be, if this amendment is accepted, that they will either not process any more wetland applications, won't give them to the municipalities or they will, as a matter of course, lake, intervene on every wetland permit application.

The committee amendment is a compromise. It allows municipalities who have planning boards and zoning ordinances to process permit applications for minor wetlands operations. The time provisions are still rather lengthy but they are essential if we are going to give adequate protection to our coastal wetlands.

If you will look at Committee Amendment "A", it is under House filing 354, it allows the municipality to process the construction of piers which do not occupy more than 100 square feet below the low mean water mark, it gives the authority to the board if a municipality does not process these permits properly to intervene and remove that authority if we return this kind of process back to the municipalities. I am not sure that municipalities are capable of handling these kinds of permits. Personally, I don't know if they are capable. Now, it is true that only 47 of these applications or permits were applied for last summer so there isn't a real large number of these things.

We also allow for minor repairs or alterations to existing structures in the coastal wetlands if the repair does not consist of more than one cubic yard of fill or dredging. This means additional fill for dredging beyond that which the structure already occupies. I guess this is a policy decision which you people have to make. We know that the bureaucrats take time, maybe too much time, in processing applications. There is an attempt being made in another branch of this legislature to allow the Board of Environmental Protection to delegate this part of their authority to their staff so that maybe we can speed up these permits.

If you think the coastal wetlands are important and that they should be

protected, I think we should defeat House Amendment "A" and go with Committee Amendment "A".

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. How does this particular piece of legislation relate to the shoreline zoning that was passed in the last session of the legislature, which really made for mandatory zoning in every municipality that is qualified. Is there anyone that can answer that?

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that the shoreland zoning law required the towns to zone within 250 feet of any body of water and that the Great Ponds Act requires a permit from the state for any dredging or filling in a great pond so that in effect there is no direct relationship between the two bills.

What the committee amendment would do would be to allow the municipality to make some of the decisions which are now being made by the BEP under the Great Ponds Act, which relates to filling and dredging of great ponds. It doesn't affect the shoreland zoning authority of the towns.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to endorse Mr. Peterson's remarks that this committee amendment was the result of compromise in the committee and we believe it gave those municipalities who have proven their ability and interests in granting these permits the right to do so.

I would urge you to indefinitely postpone the House Amendment.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Windham, Mr. Peterson, mentioned that it was my problem. Well, it is not my problem, it is the problem of all the people in the state who happen to have property in the wetlands areas who wish to do anything to their property. I agree on the importance of coastal wetlands, I have no quarrel with that. I told the committee that repeatedly and my legislation, my amendment does not say all permits. I would like to go through it a little bit in some detail.

Right now, with this little amendment, ladies and gentlemen, we are kind of making a decision as to whether or not the Maine people that have been talking to me and I think talking to you for the last two years, since this particular type of control began to be more carefully employed, we are talking about the everyday citizen, who wants to make changes and improve his property or maintain his property in a very narrow, specialized and carefully described area known as the coastal wetlands.

If you will look at section 472 of L. D. 730, so you will know what we are talking about, a coastal wetland is defined as all tidal and sub-tidal land, including all areas below any identifiable debris line left by tidal action, all areas with vegetation

present that is tolerant of saltwater and occurs primarily in the saltwater habitat and any swamp, marsh, bog, beach or flat or any other contiguous lowland which is subject to tidal action of normal storm action at any time except during periods of maximum storm activity. By the way, that is a new definition and it is 730; and I endorse it, I think it is a good definition, I am not opposed to that.

This bill, as amended by the Committee on Natural Resources by Committee Amendment "A" is a very feeble attempt to do what I have been trying to do since I tried to get a permit last summer and that is speed up the process and most important, to put the primary responsibility where it belongs, where there is an eminent knowledge of local conditions and where decisions can be made by people standing and looking at the project, and that is in the hands of municipal officers or their lawfully designated boards or commissions.

After attending the hearing on this bill, listening to the presentations from the Department of Environmental Protection, I am not surprised, but I am a little disappointed. They have been very generous in this amendment, so generous to local officials.

I hope you will look at Section 473 of the Committee Amendment, that is the pink one. It would allow one very limited exception to all permits still being issued by the BEP. Now, if you are only going to build a pier and if there is no dredging or filling, which means moving one shovel full of sand, as I understand it, and if it is non-commercial and if it is less than 10 by 10 below the low water mark and if the municipality had applied for authority and if they had a planning board and if they had a shore line zoning ordinance and if they promised to notify the BEP and the public and if they had developed a suitable application for them, they could issue a permit to build a pier. I think you will have to agree that that is pretty limited — nothing else. This wouldn't have helped me last summer when I wanted to put in a little footing under a wall that had existed for 50 years.

In the last paragraph, the BEP in 473, they take it all back because if the town doesn't suit them, they just move in.

Now, if you will look at my version of paragraph 473, it is the one that replaces the committee amendment, it is quite simple, it says it in pretty simple words. The second paragraph says all permits shall be issued by the municipal officials, except that the board shall — meaning the Board of Environmental Protection — at the request of the municipal officials or may by so notifying the municipal officials within 10 days assume all responsibility connected with the issuing of the permit. This 10-day period has raised some concern because they say the BEP doesn't meet that often. I don't quarrel with that. I feel as though they are working for us and perhaps they ought to conform to what we want them to do but if 10 days is too narrow a period of time, I will try to expand it. I am willing to amend that.

The point is that that is a pretty simple way, it seems to me, to handle it, simple, straight-forward, understandable, they are ordinary people. You make out your application, local officials issue the permit if they wish or turn it over to the BEP or the BEP can intervene, if they choose to, within this limited time period. So, the BEP is not losing any control here, they have ultimate control no matter what. In

the majority of cases, I think you will have a permit in about three weeks if you have done a good job in making out your application and if it is a routine, simple project that you need to do. I think the BEP will recognize that it doesn't require all this formal gobbly-gook to go through hearings and everything else and I think the town officials will note that it is a good application and capable of being handled at the local level.

Moving on to Section 474, this was my attempt to try to tighten up the time parameters a little bit. It is only partially amending it; it takes action of the board of the town issuing permits for setting up hearings, if required, and it also includes provisions for appeal of any decisions in superior court and it covers the problem of unorganized territories or multiple towns, which the committee amendment failed to address. That paragraph 474 in the committee version, ladies and gentlemen, allows for a full 90 days from the time you request a permit until you finally get your answer. They have got 30 days to answer, they have got 30 days to decide whether they want to have a hearing and they have 30 days after the hearing in order to promulgate their answer — 90 total days can be tied up on a \$50, \$100 or a \$1,000 project. This is the thing that is frustrating the people of this state. They don't understand the need for it on something that is so simple that it seems just common sense to them and to the local officials in the local communities to handle.

Finally, in Section 477 we provide for another common sense provision that corrects a most irritating and frustrating problem, that is the maintenance and repair of existing facilities. I leave out in my amendment qualifying words such as permanent, which is subject to interpretation; it limits the size and scope, etc. What I am trying to do is the same as I was trying to do in L. D. 395, and the gentleman is absolutely correct, allowing local officials to make these decisions, speed up the process and allow repair and maintenance without being subject to law.

Frankly, this is the way I am hearing the people and this is my response to the cry that Bill Caldwell was asking about in last Sunday's Telegram, which I had distributed to you two or three days ago. I hope you still have it. That is what he is talking about. The real danger to Maine may be coming from well-intentioned government agencies. Maine is small town, and thank God for that.

I reject the idea that local people cannot understand or do not care. The Bureau of Environmental Protection has excellent instructions and diagrams for people to follow. I have had no objections to sensible standards. It doesn't require a graduate engineer or a marine biologist to call the shots on simple projects like 30 foot retaining walls, riff-raffing shorelines or installing water pipes. Local officials can, with a minimum of instructions safeguard delicate wetlands and protect abutting property owners. People only want the right to maintain the standards in their own work. Sure, I know the BEP has got to move in on oil refineries, nuclear power plants, commercial wharves, etc. but in most instances they will never need to give a second look to a little washed-out footing replacement down at Pemaquid Beach in the town of Bristol that I had last summer. It took me from May 24 to August 31 to get a permit for an entirely acceptable project and the local town fathers in Bristol knew what was needed and would have given me that permit within two weeks.

I've taken too much time, ladies and gentlemen of the House. I thank you. I ask you this day to give the people the chance to govern their own lives in their own way within the bounds which you set. I think that's the direction we are looking at in this session of the legislature. We are going to set some standards. We are talking about it in Taxation, but we're not going to tell the people how to get to those standards, that is where the problem lies. They don't want people in Augusta telling them what path to follow to get there. They are willing to accept the standards. Set the standards and the goals but don't restrict them as to how to get there. Strike a goal for Home Rule this morning, strike a goal for personal freedom and pride.

I mentioned the town of Bristol and I hope the significance of this next little vignette will come to you, because it was in 1780 in Bristol, England that Edmund Burke, that great English statesman, said "Bad laws are the worst sort of tyranny" and this is what we are talking about. He further went on to say when he was talking about the colonies "that in no country, perhaps in all the world, is the law so general a study (talking about us) and this study, renders men acute, inquisitive, dextrous, prompt in attack and ready in defense and full of resources". Now that's the kind of people we have in our small towns and they can take care of these things and I hope this morning, ladies and gentlemen, you will make a policy decision, and the gentleman is correct, this is a policy decision. Do you want everything to come to Augusta? That's the policy decision. I hope you will vote in favor of my amendment.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Dover-Foxcroft, Mr. Smith, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Smith assumed the Chair as Speaker pro tem, and Speaker Martin retired from the Hall.

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

Mr. HIGGINS: Mr. Speaker, and Ladies and Gentlemen of the House: I stand here in support of Mr. Morton's motion to accept his House Amendment.

As a municipal official, as well as a Representative, I can truthfully say that we do not want to send any more responsibilities and permit applications to Augusta. We have the ability in our town to decide on whether or not a project is going to affect the coastal waters and this is why I brought up the shoreline zoning. We are concerned with that, we have adopted an ordinance and although this may not have a direct bearing on this, I feel that it does in a way.

Now, the Committee Amendment says "all permits will come to Augusta except for anything under 100 square feet". Well, I don't believe there would be any more than 10 that would qualify so I don't think that that's any great concession. I submit to you that we have just passed a bill, or there has been legislation introduced to remove the Board of Environmental Protection from making decisions on certain articles that they have been deciding on for years because they don't have the time to handle these projects of, I guess it's less than 75 acres and no more than 25 units, so now the BEP has said that they want to relinquish some of their responsibilities and yet this bill is now

giving them more authority, to grant more permits and I think it's a bad piece of legislation. I think the people of this State of Maine would think it's a bad piece of legislation. I know the people in my town would think it's a bad piece of legislation because we have a planning board, we have ordinances, and we know that the state is there and available, if we feel that we are not qualified to handle that. I would ask that you defeat the motion to indefinitely postpone this amendment.

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

Mr. DOAK: Mr. Speaker and Members of the House: I have to rise in opposition to my good seat-mate Mr. Morton this morning, and if he had talked much longer, I think that perhaps he would have convinced me that his amendment is much better than the Committee Amendment. However, I think that sometime ago, in the wisdom of this legislature, you did create a commission and at that time it seemed a very responsible attitude that this state was taking in regard to their coastal wetlands. Therefore, I would say that I would like to remember what these people were trying to do. I would like to continue that process of what they were trying to do, in an orderly fashion and take a reasonable and responsible attitude in the actions which we take here now.

In Mr. Morton's amendment, he is saying, "In unorganized territories your county commissioners would be taking the responsibility of issuing permits, if they wanted to", and if we had county commissioners which might happen sometime, there might be some different kind of things going on in the counties, I don't know just what may happen in county government, therefore, I wouldn't like to see that in the law at this time. Then also in his amendment, he says that "when two or three communities are on a body of water, or it isn't a body of water, those two or three communities can get together and issue a permit." I would say that it's a little difficult to get two or three communities, sometimes neighboring communities to get together and function well.

We've just been discussing the airport authority at Lewiston and Auburn and I would suggest to you that they have a problem in getting together on that and it might be on some of these permits, we could have a similar problem, a disagreement.

The gentleman from Scarborough says that in the Committee Amendment, all applications must still come to Augusta. I would like to point out as a point of clarification in this, that the gentleman from Scarborough states that in the Committee Amendment, all applications must still come to the state. The thing that he neglected to say, however, is that in the Committee Amendment, a duplication or a duplicate of that application for a permit is sent to Augusta by the community or by the municipal planning board. Therefore, that isn't the only permit that can be issued. The municipal planning board, in its wisdom and properly organized, can issue a permit, under this Committee Amendment "A". The problem is, however, that even though Scarborough is well organized and does have a planning board set up, there are communities in the state that perhaps are not and I do not mean to belittle the municipal officers of any of these communities, I think that if you had been in some of the hearings and some of the statements that I made, I am

having a difficult time to support Committee Amendment "A" but I am supporting it because I think, at this time, it is a reasonable attitude toward a problem which we certainly have and that is that Mr. Dudley mentioned this morning, the great white father in Augusta attitude and it is becoming very predominant. Mr. Morton, I have to agree with, when he says we've got to get more local control. I am in accord with him on this 100 percent, but I think in the process of getting that local control that we must assume a responsibility toward our environment and approach this control reasonably, with care and concern for the wisdom of these gentlemen who have sat in these chairs prior to our sitting here in their wisdom, having created the Bureau of Environmental Protection. I would dislike very much to hamstring the Bureau of Environmental Protection. This legislature presented and placed them in a very bad situation sometime ago. We are in the process with this committee amendment of aiding them and getting out of that bad situation by getting some of the controls back to the municipalities and getting some of the municipalities and the complaints off their backs.

Any time that you place restrictions on a man's right to do something, you are certainly in a minority, but by the same token, we are here with regulations and with laws and with rules and such and we have to live with these things. I grant you that in some cases in the past, I have found it relatively unbearable to live under some of the regulations, etc., that have been promulgated by these bureaus that we have set up down here, but we are taking steps in the right direction to correct that situation with proper legislation and careful consideration of what we are doing and I ask you to support the Indefinite Postponement of this amendment for the simple reason that I firmly believe that Committee Amendment "A" is a reasonable attitude toward a goal which we are all working toward and that is to get more and more local control back to the municipalities, but as they can manage it, and as the state can work with it, without destroying what we may have already accomplished.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hollowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of House Amendment "A". I particularly like the last page where it says "nothing in this sub-chapter shall prohibit the maintenance and repair of existing structures, installations, facilities, landscaping, existing ways, roads, etc." We had here approximately one and one half years ago, the absolutely ridiculous situation whereby a causeway to an island where several people lived washed out in a storm. The first selectman went forth, fixed the causeway and what did he get? He got hauled into court for fixing the causeway, merely repairing this causeway, hauled in on a criminal charge. Adoption of this amendment would prohibit the ridiculous situations like this.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I would like to address a few comments or remarks on statements made by the gentleman from Farmington, Mr. Morton. The committee amendment does allow for minor repairs

and alterations of existing structures, that includes retaining walls and abutments as long as the filling or dredging of that project would not exceed one cubic yard of additional fill or dredging. So, we have given that kind of control over to local communities and it is true that there is a maximum of 90 days in which an application might finally be processed but that doesn't say that that's going to occur in any case, it can happen any time, it can happen the first week the application was received. Here, in the House Amendment it says "that a municipality must act within 20 days of receipt of the final application, approved application." Now, how many towns, planning boards could act within that 20 days, and how many towns have Marine Biologists to determine whether or not this kind of thing will be detrimental to the coastal wetlands?

I will make one comment on the gentleman's comments from Scarborough, Mr. Higgins. This isn't a new law. This is an existing law and it's a law in which we are trying to return some local control back to municipalities. We're moving in that direction. It just makes a difference how fast you want to move and some of us want to move a little cautiously. It's up to you to determine whether or not your municipal officials are going to be able to act upon an application within 20 days of receipt of it, whether your planning board meets that often and how busy your planning board is. So the committee amendment does allow for minor repairs and it does allow for minor new construction below the mean low water mark.

I could come in here and we all want to return municipal controls to as many facets of responsibility as we can, but we can't dump everything in their laps even though the citizenry might like it and so I think the committee amendment, it's a unanimous committee amendment, it's a compromise, it's a cautious approach and we're trying to react positively to a situation which has been difficult but we do not also want to create problems by dumping things onto communities which they haven't planned for and which they haven't budgeted for.

The SPEAKER pro tem: The Chair recognizes the gentleman from West Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I think The Gentleman From Farmington's motion-amendment is eminently sensible. He's in no way attempting to attack the integrity of the environmental situations and I would just call your attention to the fact that the Board of Environmental Protection has complete and absolute power to intervene in any situation that they deem fit.

I hope you will not Indefinitely Postpone this.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen: I think that this House Amendment "A" to Committee Amendment "A" is quite a reasonable suggestion. I don't think it passes on to the local communities any great responsibility. It passes on with rather insignificant responsibilities, I would say, that our local officials can cope with, they can handle it, they are in a better position to make a decision right at the local level, and I know, at least speaking for the officials from Wells, that I am sure they

can do it and would like very much to see this changed.

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

Mr. HIGGINS: Mr. Speaker and Ladies and Gentlemen of the House: I am glad to hear that we can still make minor repairs on existing facilities. One cubic yard of material is about two bushels full, now I would call that minor repairs. Some mention has been made of two towns having a problem and getting together, such as Lewiston and Auburn on the airport. Okay, there is a good example of where maybe the state should step in if two towns can't get together or if a town does not have a planning board, does not have the ordinances, fine, let the state get involved then. It's darn discouraging to be involved in municipal government, set up planning boards, set up ordinances and then find out that the state has to review and accept everything. Please don't penalize those towns that have the facilities and the ordinances to protect its own people. I urge you to defeat this motion to indefinitely postpone and to accept the good gentleman from Farmington's motion on House Amendment "A".

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

Mr. WILFONG: Mr. Speaker I am a member of the Natural Resources Committee and we worked very hard on this amendment to Mr. Morton's bill I come from a small town, as you know. We would like to have Home Rule, some municipal control. We don't want to hurt our environmental laws that we have now. We would only like to be able to comply with those laws, and when we sat down as a committee to work with this bill, I felt that Mr. Morton had a very, very good point and we sat down with this in mind.

It is a unanimous report; it gives the towns an opportunity, if they so desire, to take back some control and to work on small projects. It doesn't gut the law but allows us to have some input at the town levels. We worked very hard on it.

Not all towns are going to want to take this control. Why should they if they don't want to? Why should a town selectman have the decision over a planning board member. If these planning board members are going out and going to regional planning commission meetings, etc., and being trained and are being trained to work on effective planning people, then why shouldn't we give them the responsibility to oversee some of the environmental laws of the state? I feel it is a good amendment and I feel it is one that should be supported, speaking as a member of a small town.

Mr. Fraser of Mexico moved that this matter be tabled for one legislative day.

Mr. Kauffman of Kittery moved that this matter be tabled for two legislative days.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Kittery, Mr. Kauffman, that this matter be tabled pending the motion to indefinitely postpone House Amendment "A" and specially assigned for Tuesday, May 27. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

At this point, Speaker Martin returned to the Rostrum.

Speaker MARTIN: Mr. Speaker, the Chair thanks the gentleman from Dover-Foxcroft, Mr. Smith for acting as Speaker pro tem.

Thereupon, Mr. Smith returned to his seat, amid the applause of the House and Speaker Martin resumed the Chair.

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

Mr. GREENLAW: Mr. Speaker, is the House in possession of L.D. 394?

The SPEAKER: The Chair would answer in the affirmative. Bill An Act to Allow Certain Nonprofit, Volunteer and Educational Organizations to Operate Games of Chance without a License from the Maine State Police," House Paper 316, L.D. 394, is in the possession of the House.

Mr. GREENLAW: Mr. Speaker, I now move we reconsider our action whereby we voted to recede and concur.

Thereupon, on motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

On motion of Mr. Berry of Buxton, the House reconsidered its action of yesterday whereby Bill, "An Act Relating to the Statutes Concerning Licensing of Dogs," Senate Paper 351, L. D. 1151, was indefinitely postponed in non-concurrence.

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

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House, I thank you for your reconsidering the bill that is now before us. I think perhaps I had better start explaining what this bill does.

The bill has been amended by Committee Amendment S-155. Now dogs in Maine come under the jurisdiction of the Department of Agriculture, the Division of Inspections. The Inspection Division is charged with the responsibility of providing license forms, tags, to the cities and towns and they are responsible for the inspection for all pet shops and kennels in the State of Maine and there are some 1,200 kennels and pet shops in Maine.

They are also responsible for establishing shelters. These shelters are used for the purposes of holding stray animals. The Department of Inspections makes payment to the people who operate these shelters.

Now, currently, if your dog got out of your home and was picked up, it would be placed in one of these shelters and that dog could be held in that shelter for up to 10 days. If you went to claim your dog, you would pay for the cost of holding him there and I believe that cost is \$1.50 per day; however, if nobody claimed the dog, then the state pays the cost. The money that pays these fees is generated through the license fees that you and I pay when we license a dog, and that generates about \$150,000.

Now, the bill that Mr. Call would like to indefinitely postpone calls for an increase of 50 cents in a dog tag license and that 50 cents would generate \$35,000 to \$40,000. The Department of Inspections currently is underfunded; they don't have money enough to pay their bills right now. As a matter of fact, they have \$15,000 worth of bills laying over there now and no money to pay the bills and they still have six

weeks to go before they get any new money.

Another bill, Item 10 on your calendar, proposes to reduce the boarding time that a stray dog must be kept in a shelter from 10 days to seven days and the reason for that was because the department doesn't have money enough to continue to hold those animals for 10 days. In addition to that, they conducted a study a few years back and they found that most dogs were not held 10 days anyway excuse me, most dogs were picked up prior to being kept 10 days. The average was somewhere between three and five days. There were very few dogs that remained the whole ten days.

Now, out of the \$150,000, I will try to tell you where the money does go; \$93,000 is spent for boarding dogs in these shelters, that I mentioned and paying claims on livestock damages caused by dogs; \$44,000 is for administrative purposes; \$12,000, last year, was funded to the municipalities and you might ask if they refund \$12,000 why do they want to raise more money? The answer is that the way the law is written, they are allowed, I think it's about \$135,000 to operate with. They took in around \$150,000 and they had to refund the \$12,000.

The fees for boarding dogs are going to increase if a bill that is before this Body passes and we are going to be in worse trouble than we are now. The number of dogs that are boarded each year is increasing. In 1972, we spent \$65,000 for boarding dogs; in 1973, we spent \$80,000; 1974, \$80,000; and in 1975, so far this year, we've spent \$85,000. I think it is very important that you do not postpone this bill, if you do in fact want to keep dogs in shelters at all, because unless we get money to do it with it just cannot be done.

Thereupon, on motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Call of Lewiston to indefinitely postpone and later today assigned.

The following paper from the Senate was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 531)
Ordered, the House concurring, that the following be recalled from the Governor's Office to the Senate:

Bill, "An Act to Create a Law Enforcement Education Section within the Criminal Division of the Department of the Attorney General." (S. P. 141, L. D. 444)

Came from the Senate read and passed and under suspension of the rules ordered sent forthwith.

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

(Off Record Remarks)

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

(Off Record Remarks)

On motion of Mr. LaPointe of Portland, Recessed until four o'clock in the afternoon.

After Recess
4:00 P.M.

The House was called to order by the Speaker.

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

Bill "An Act Permitting Certain Graduates of Vocational-Technical Institutes to Take the Journeyman's Examination Given by the Electricians' Licensing Board or the Plumbers' Examining Board" (S. P. 335) (L. D. 1121)
In Senate, Passed to be Engrossed.
Committee Amendment "A" (S-359) Indefinitely Postponed.

Tabled — May 20, by Mr. Rolde of York.
Pending — Adoption of House Amendment "A" (H-359)

Thereupon, House Amendment "A" was adopted.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this bill which we are going to send over to the other body. I think that we should look this over very carefully. I have had several calls on this bill, and I have talked with state inspectors, electrical inspectors, electrical contractors, and I feel that this bill regarding the elimination of apprenticeship following graduation from an approved electrical school should definitely be turned down. There is no one electrician who takes this course that is qualified to do work as a journeyman electrician. By a journeyman electrician, I mean an electrician who has already served an apprenticeship with one or two years experience under the supervision of a master electrician and has successfully passed the State Journeymen's test.

This bill that we have before us today, ladies and gentlemen, would allow a student coming right out of school to take the test to be a master electrician or plumber. Now, you know as well as I do that in order to do this type of work it is fine and good to have the courses given and it is fine and good to have the education in this field, but you also need the experience. This is a type of a job, a profession, that young men go into, which is a very fine profession I might add, but in order for them to go out on their own and do a job, a complete, satisfactory job, they should have the experience and the supervision of at least one to two years of a master electrician.

The way it would be, he would come out of school, he would take the test and then, by taking the test, if he would pass it, this law would then make him a master electrician or plumber. That is the objection that I have to the bill, because nobody in this type of field can come right out and have the knowledge and the experience without first having the supervision over them by someone who has been through this field. It is just like in baseball, you always have to start at the bottom to get the experience and from the minor leagues you go to the big leagues; you don't go to the big leagues first and then to the minor league. Therefore, ladies and gentlemen of the House, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, moves that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Unless we pass this bill, we might just as well do away with our vocational and technical schools. These people go to school and spend considerable money to gain themselves some knowledge to produce in their society. These people come out of there and should be allowed to take the Journeymen's Exam. What is a journeyman? A journeyman permits them to practice their profession under the supervision of a license and that is all; they don't do jobs on their own. Unless we pass this legislation, we might just as well abolish our vocational schools.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: It is with a great deal of pleasure that I rise this afternoon as an individual to oppose my good friend from Westbrook, Mr. Laffin, who on numerous occasions has alluded to the fact that he was opposing the gentleman in the left hand corner here as his leader. Well, his leader, this afternoon, would say as an individual that I think he is on the wrong side of this fence.

I recall only too clearly not too long ago his standing here and berating us because of minimum wages and so forth and the fact that some of these poor people were working for very, very insignificant amounts of money. Yet, today he would have us take some young man out of a vocational-technical school who really is qualified to be an electrician and make him be an apprentice for some time at what I would call slave wages before we would give him this license to become a master electrician.

I must agree with the gentleman from Lincoln that we might as well do away with our vocational education schools if we are going to do something of this nature. I hope that we will not indefinitely postpone this measure, in all due deference to my good friend from Westbrook.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: These are accredited schools; they are accredited. If they aren't, as Mr. MacEachern has said, if they can't do this, why have them accredited schools?

There were several down here in Augusta for an examination out of my district who had graduated from Presque Isle, the Northern Maine Vocational-Technical Institute and they turned them down, they wouldn't even allow them to take the exam. I came down here and the first thing I did, I went to the Board of Education and they told them they were accredited. Then we got in contact with the man who puts out the examination and he told me they couldn't take it. I arrived back home and the very next day it came through that they could take the examination. I think there were five or six that came down, two of them passed and four of them didn't. Since that time, I believe, they have all passed the examination. I think you are hearing from Mr. Laffin, the gentleman from Westbrook, you are hearing the voice of the old timers who don't want anyone to butt in on them.

I think this is very unfair. I think the people today, they aren't going to take their jobs, they are going to work under them, they are going to work for less money and they are going to work their way up.

What is the good today having these vocational schools, as the gentleman from Nobleboro, Mr. Palmer, has said, paying the money to back them up, make them accredited, and believe me, they do some good work because I saw their work. I think there are many more here from Aroostook who visited the one up at Presque Isle and we saw them working, we saw brick walls they made, block walls they made, tinsmiths and the different things they had there and it was perfect, it was much better than some you see that are done by professionals.

I think today that we better had get our heads together from every county, especially every county that has a vocational school, who has even got a high school vocational school, and vote against this indefinite postponement and send this bill over there so that our money that we are spending on these schools, we can see some use of it, so when we want a man to put a couple of bricks on a chimney, we can get him to come and do it, or if we see a little plug in our sink, we can get him to come and do it rather than sit idle for two or three weeks, carry water out in a pail just for the sake of getting a professional plumber or a professional electrician to fix a switch. Today you can't do that yourself anymore; you can't hardly put a plug in if you blow one. You are almost tied up for several days, and I hope right now you will vote against the indefinite postponement of this bill.

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

Mr. DOAK: Mr. Speaker and Members of the House: As a master plumber licensed by the State of Maine since approximately 1956, I guess I may be one of the old timers they are alluding to, however, not in the same manner in which they are alluding to.

I think there is some misconception here as to what is going to happen when this young man or after this young man takes his test and does pass and get his license. As I understand the bill, and if I am incorrect I hope someone will correct me and I am sure they will, a journeyman plumber is what this young man is to take his test for, not a master plumbers license. The law in the State of Maine says that a master plumber must be licensed in order to be in the business of plumbing on his own, in other words, in his own business. A journeyman plumber cannot be licensed and be in his own business and out on his own as a journeyman, he has to have a masters license.

All this will do, will allow these young people who have spent two years of their lives trying to learn a subject and subject matter, it will allow them to take a test which will give them a status of journeyman and they will then be working under the direction of a licensed master plumber or master electrician for a space of time. Then, after the space of time, they can take a test for a masters and can go on their own.

I am wholeheartedly in favor of these young people being able to take these tests. I think too long this state has held back on some of these young people. We have young people coming out of the service who have spent two and three and four years in the service doing plumbing and they are not able to take a test in this state

without first having to be an apprentice for a long period of time.

You are not going to be hurting many of the master plumbers in this state, for the simple reason that it makes it much easier. If you have an apprentice out there under your jurisdiction, you can't leave him alone on the job, that is the state law, but if you have a licensed journeyman in your employ, you lay the job out, you put the man on the job and he can do the work and you don't have to hang around and watch him do it. I am wholeheartedly in favor of this happening and I hope you will vote against the indefinite postponement of this bill.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Westbrook, Mr. Laffin, did make somewhat of an error in his comments when he said that the people who had graduated from school would be allowed to go for their masters license. The bill is very clear in that they would only be able to go for their journeyman's license.

The Committee Amendment does even more than that. The Committee Amendment specifically provides, and I would read the Statement of Fact to you, which I think will calm many of the fears that may be involved in here. "This amendment provides that the Electricians Examining Board, the Oil Burners Examining and Licensing Board and the Plumbers Examining Board must approve a vocational school course of instruction before graduates of that course are permitted to take the examination offered by the appropriate board." It was because of that amendment that was placed on there that the bill was reported out of committee, to my knowledge, unanimously "Ought to Pass".

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

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: I would agree with what has been said here except for one, my friend from Westbrook, Mr. Laffin. This is a good bill, this is a step forward for the State of Maine. This is a step forward for our young people. This is a step forward for the plumbers and the electricians in this state and I urge that you support this bill.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: A point of inquiry. Committee Amendment "A", filing number S-127, is this still on the bill?

The SPEAKER: The Chair would advise that Committee Amendment "A" was indefinitely postponed.

The gentleman may proceed.

Mr. BURNS: Mr. Speaker and Members of the House: Can we take any action to place it back on?

The SPEAKER: The Chair would advise the gentleman that the only thing that we could do would be to suspend the rules and try to put it back on. House Amendment "A" is attached to the bill, and Committee Amendment "A" has been indefinitely postponed in both branches in concurrence.

Mr. Finemore of Bridgewater requested a roll call vote.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have been very interested in the vocational-technical schools in our state. I have worked a good

many years to get it in, especially the one in Washington County, because before that was in, the people of Washington County had to pay for sending their children to go up to Presque Isle where they took some excellent courses in carpentry, masonry, cement work and so forth. They are all gainfully married, employed so forth and soon.

If we were to indefinitely postpone this bill and its accompanying papers here today, we would be setting vocational-technical school education back at least 12 years to my knowledge.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It is always good to get into a debate with my good friend Mr. Palmer, but he was wrong in a couple of his statements. First of all, I don't like to use other people's names, but I was told that if it came to it that I could use this Man's name. Mr. Blake MacKay from Bethel, who is a teacher at SMVTI, he is a state inspector and he states, "In no way are these young people ready to do the job that experience will teach them." If you want to vote for the rest of these gentlemen and you know more than he does, he vote for it.

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

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: I know Blake MacKay, and probably he is right, but if you go to college and you become a doctor, you serve an internship and this is exactly what these journeymen are doing, they are serving an internship.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Westbrook for bringing this bill to my attention. I won't try to get really into the bill, I will just try to go over it. I can say to you, as most of you know, I am a journeyman printer. To become a journeyman printer, it took me six years of an apprenticeship. The funny part of it is, after I finished my apprenticeship they revised the laws and now you can do it in four years. That six years is a long, long time, I can assure you that when you start off as an apprentice, you start off on the low scale, on a very, very low scale. In my particular job, it is percentage of the journeyman wage and each six months then you will get a differential or will you climb up the ladder until your six years is up. In that six years, I took what they called a correspondence course and took my test. They had to be taken, they had to be passed in, they had to be written and I passed.

What I am saying is that I think insofar as vocational education is concerned, this is a good bill. It is a good bill because of our young people, it will put more on the job, it will put better people in the job. Therefore, I would hope that you would vote against indefinite postponement.

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

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

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

Westbrook, Mr. Laffin, that 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," Senate Paper 335, L. D. 1121, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Laffin, Lewis, Rideout, Tierney.
NO — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carroll, Chonko, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulhern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship.

ABSENT — Carpenter, Carter, Churchill, Dudley, Garsoe, Hennessey, Jacques, Leonard, McBrearty.

Yes, 4; No, 136; Absent, 9.

The SPEAKER: Four having voted in the affirmative and one hundred and thirty-six in the negative, with nine being absent, the motion does not prevail.

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

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

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

Tabled — May 20, by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I know that there is a lot of interest in this Bill, "An Act to Establish the Maine Building Code," and I think there is also a lot of uncertainty about what is really in this bill at the present time.

I would like to begin by saying not this is my bill but this was my bill. The committee amendment that is before us actually repeals my entire bill and so that we have left now in only the committee amendment to consider.

I have regretfully accepted the fact that this amendment is about the most that can be hoped for at this time, given the present strong resentment against orders or edicts from Augusta.

This legislation does not do very much, actually, but still it is a bit more than we now have and it's a step toward the goal of protecting all home buyers in this state eventually.

At the hearing on the Act to Establish the Maine Building Code, there were no opponents to adopting the BOCA basic building code as the Maine building code. In fact, the bill was supported by the architects, engineers, building superintendents, the Home Builder's Association, the Maine Municipal Association. However, they were all opposed to any state agency being involved and they had jointly written a redraft which established BOCA as the State Building Code, requiring adoption by all municipalities by 1976, but eliminating any state supervision. Their redraft, though acceptable to me, was still more than the Legal Affairs Committee could go along with.

The committee amendment which is the bill now, does three things: it adopts the BOCA basic building code as the Maine Building Code; 2) it says that any town that wants to adopt a building code must adopt the BOCA code — but they may amend it if the changes are intended to improve or upgrade design or construction, and 4) registered architects and engineers have to design buildings which meet the minimum performance standards of the code, however, the State Board of Registration of Architects and Engineers may waive the provisions of the code if, in their opinion, they inhibit sound professional practice.

That's it and that's about as permissive as you can get and still have something left.

We already have established that the BOCA Code must be used for all state buildings. We have required minimum performance standards for mobile and modular homes. Now that we have done that, it seems only reasonable that we extend the same protection to people who purchase so-called stick-built housing. The purchase of a house represents the largest single investment that most Maine people make in their lifetimes. Certainly they should have some assurances that that house meets certain standards. Seventeen states now are operating under state building codes. This isn't so much a requirement for the towns to do anything as it is to require that home builders build homes to meet at least minimum performance standards, and that does not cause reputable builders any grief.

With our increasing mobile society, houses today are bought and sold many times in the course of a few decades — even the fellow who builds his own home may not be in it too long and even he can only benefit from this code, as it allows for flexibility in design and choice of materials which other codes lack. If we insure that quality homes are built now, they'll be around in good shape, providing good homes for Maine's people far into the future.

I hope you'll give this bill your support. It doesn't ask much, but the benefits are promising.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I do want to first off commend the good woman from Portland, Mrs. Najarian, for really telling you what the amendment does and she did not cloud any of the issues. Sometimes when you have got someone that is really

gung-ho for an issue they kind of slide over something but I do want to commend the good woman for telling you exactly what the amendment says with the exception of one section in the amendment. That one section being, as she said the towns were grandfathered into their present codes. The towns are grandfathered into their present codes until they amend their present code and then they must accept the BOCA Code. I think today what really surprises me — I don't have any prepared text on this because I have never been one to really use a prepared text because when I look at people reading from prepared texts I always think that maybe they have to try and remember the next day or the day after what they said the day before. I have always been one to either speak from the top of the head or speak my real feelings.

Really today it surprises me to see this here and to see what they are trying to do and the backdoor approach that they are trying to take. When I say, they, I say the bureaucracy in Augusta.

As far as the original L. D., I admit that the amendment really guts the original L. D., but I also understand that sometimes if you can get something in as an open door or a door opener you can always come back in the next session and really wind it to the people of the State of Maine. It just so happens I don't think the people in the small communities are ready for this yet. I think we have given them quite a lot in the past sessions and I think quite a lot is what they don't want. I think it has been quite evident in the past where people in the small communities just don't want the — and I don't call it the Great White Father in Augusta I think the Great White Father is in Washington, I think the Great White Mother is in Augusta and I think that we have been winding it to them a little too much lately and I think now they are beginning to resent it, especially when I pick up the paper this morning, the K. J. and the Waterville Sentinel and I see in Kennebec County there has been another group similar to the Freedom Fighters formed and very specifically they said they don't want any more stuff rammed down their throats.

As I look at this Amendment, I see that in Title 30, 2156 as amended, is repealed and the following is enacted thereof. They use the title of the Maine Building Code. Well, it kind of amazes me that they would appeal Section 2156 of Title 30 when really this is really the permissive part of the rule for the people of the small towns and I would refer you people to Title 30, Section 2156 as it stands today. It says, that a small town can adopt codes by reference. A small town does not have to publish the complete BOCA Code, which is this book right here and I refer to as a Sears Roebuck Catalog, they can adopt it by reference by filing three copies with the clerk, it says this in the amendment, but also the amendment wipes out quite a few other provisions that has already been given to the town as a right to adopt codes.

Under the present law, a town is not bound to adopt the BOCA code, they can adopt a code which has been prepared by the American Insurance Association, The Building Officials Administrator's International, that is BOCA, the International Conference of Building Officials, the National Fire Protection Association, or the Southern Building Code Congress, and it shall include specifically but shall not be limited to building code, plumbing codes, electrical wiring code,

health and sanitation codes, fire prevention codes and flammable liquid codes together with any other codes which embraces rules pertinent to a subject which is a proper municipal legislative matter. Then it goes on to tell how these codes can be adopted. Well, if we were to enact this bill today with this amendment where we have wiped out Section 2156 entirely which is permissive legislation. I sure can see, and I don't have to make a prediction because it will happen that maybe by the Special Session, we will be back wanting to give other departments in the state the authority to run the lives of the people in a small town. As it stands now, if a town wants to adopt this BOCA Code, they can do so, it is up to the town or it is up to the town that they can adopt their own building code. If the towns want to adopt the NFPA No. 54, Gas Appliance, Gas Pipe and Code, they can do that also. If the town wants to adopt the NFPA No. 58 Liquefied Petroleum Handling they can adopt that. If they want to adopt the NFPA No. 101 Life Safety Code, they can do that also. Now, we come down to the oil burning one the NFPA No. 31 which is Oil Burner Installation they can do that by reference. If a town does not want to do it by reference as it stands today there is even in the back of this book, on page 31-79 a suggested model ordinance for municipalities to adopt. By wiping this all out all we are going to do is what in later sessions come back and really wind it to them and get the state involved at a local level.

I don't think that what is good, maybe, for the City of Portland, is good for a town of 113 or 125 or 170 inhabitants. I just happen to think that the municipal officers, when they run for election, are qualified to run for office and I just happen to think, and maybe it is stupid, I wouldn't say naive, maybe I am stupid to think this, so maybe I am stupid to think that the people in the small towns are qualified to vote for their municipal officers. Maybe the people in the small towns are stupid to vote for their legislators. This is what, in reality, we are saying. We are saying that the people in the small towns can't run their own lives, that the Great White Mother and the Great White Father has got to run these peoples lives. Well, I just don't think so. I think that if a town has 113 or 170 or 500 people and the majority of small towns in this state are under 2,000 population, I think their problems in a small town, and I know in my area and I speak of the towns that encompass my SAD of a town of 313, another one of 1,964, my town being the largest, 7,601, another town of 424, I think these people are smart enough to run their own lives. I don't think they need us down here to tell them what code they are going to adopt. I don't think that a code that is good for the City of Portland or any of the big cities and, I only say Portland not singling it out but taking it as a large city, I don't think that code necessarily will say to the small towns that this is what you should have.

This is only a door opener because the next session we are going to have to come back to administration, you are going to have to come back to enforcement. I saw this in the last session when we enacted, Chapter 521 of the Public Laws of 1973 which regulated the inspection of plumbing at the municipal level. I saw it coming then and I saw it coming then, when we put \$75 on the people to have a septic tank or an out-house built, just for someone to come and look in a hole and say

you can do it, and to feel a little dirt and sift a little dirt through their fingers. Now, are we going to take and wind it to them anymore? I ask you people this afternoon, don't you think the people in the small towns of this state have just about had enough?

I am sure that as these organizations spring up across the state and as they get organized and if they work together that maybe in another session that the small towns will have a little political clout but they haven't had it in the past and it amazes me and I can stand here — I never went to college, I only went to high school, I don't have any great education, I worked for a living with my own hands, I have dug ditches, I have worked in septic tanks and cesspools but that doesn't, because I was elected and I received a few more votes than my opponent, doesn't make me an authority on what the small towns want. I think we have heard what the small towns want. I think that we have heard that they want to be left alone, they don't want any more crap shoved down their throat and this is what we are doing today if we pass this bill. So, Mr. Speaker, I will move that this bill and all is accompanying papers be indefinitely postponed and when the vote is taken I ask for a roll call.

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

Mr. CAREY: I sat here and listened to the gentleman from Skowhegan eloquently go through the scare tactics that are evident on occasions. He tells you that people get elected to do their job. I was elected to do my job but that does not qualify me as a brain surgeon, it doesn't qualify me as a plumber, it doesn't qualify me in many of the special trades that we have to go through. This code is a simple, and it says basic building code. There are others that you can build on, there is a mechanical code and there is a plumbing code. Those of you that are plumbers must certainly recall the time that it took for the state to finally adopt the plastic pipe, the PVC that we finally got adopted so it could be used in this state at a tremendous savings to the people. The state hemmed and hawed on it and was very, very scared of what would happen to it and it was safe from the very day that it was designed. The state was very slow in coming out and it actually cost people money. My community is not under BOCA, we have the International Building Code that we operate under. It is a book that is about as thick as this.

The gentleman from Skowhegan, Mr. Dam, mentioned the petroleum products and three or four other codes and basically if they are, and they certainly are, equal to the BOCA Code, then they could be adopted in their particular lines.

What bothers some people when they are trying to get involved in building from community to community is the fact that different communities do have different building codes. The national building code, for instance, is very strict, it is much stricter than the BOCA Code.

The National Building Code tells us that the studs in a building will be at 16 inch on center or 24 inch on center. BOCA says that they don't care how far apart you put the things, you are given a certain load to support and it is up to you to come up with the support for that load. BOCA does something that other codes do not do, they have a reference service that if your local building inspector gets involved as ours does getting involved with the mechanical trades, something that he is not skilled in, right now he doesn't have anybody to turn

to. He gets the city engineer to do some of the work for him but BOCA has got a toll-free number, they have an office in Chicago, you could call BOCA, as a building inspector working out of your field, and it is no crime to admit that you are out of your field and get the help necessary to get the OK on some of these plans to see if the design is, in fact, safe. This is one of the things that the builders themselves have been looking for all over the state is some kind of uniformity so that they can build the same house in Milbridge that they are going to be building in Portland or Waterville, or Lewiston.

I would certainly hope that you do adopt this code. I listened to the gentleman from Skowhegan, Mr. Dam, tell us about the guy who comes in and picks up a handful of dirt to check to see if it is porous enough or what have you in the plumbing field. I am a little surprised at the gentleman, he is a plumbing inspector himself and if this is the way he does it, he is certainly following through on his code, he is to check the percolation to see that the soil will sustain the amount of septic that will be going into a particular drainage field and obviously he may have gotten carried away with his argument, it went beyond exactly what his duties are.

BOCA is a simple basic code and we have, as Mrs. Najarian from Portland said, we have taken out the fact that it will be administered by the State Housing Authority. The State Housing Authority, told us that at some time or another they would have to add up to four or five people to administer this code, it is being left to be handled at the local level. You might be interested in the cost of the services for communities and populations up to 50,000 people, the dues for this are \$100 a year. Now, that may more than anything else scare off some of your small towns. In communities over 50,000, pay \$150 a year.

Basically, what BOCA does is, it has more than this basic code that you can add to but this would be the starting code for all communities to start with.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: In the hearing that was conducted on this, as Representative Najarian said, she came in with the bill and James Mitchell of the Housing Authority came in with her. This particular bill was all encompassing, it established another bureaucracy here in Augusta, had set up inspectors, it was all inclusive.

Mr. Mitchell said in the beginning of his presentation that if the State of Maine did not adopt a building code, that in the very near future the Federal Government is going to dictate and if you have not established a code, one will be dictated to you by the federal government.

There were at the hearing approximately 14 people who appeared before us, of the 14, there was only one against it and he was, we believe, talking out the top of his hat. About three or four of the people were in support of Representative Najarian's basic bill or the first bill she came in with. Then the next group that came in was a group of architects, engineers and I believe one individual of a construction company and they offered a redraft of this.

Again, the redraft still contains some state controls in it requiring some inspection from the state level and then, when we went into executive session, we decided that this was forcing something

down the municipality's throat, so we went back to Mr. Mitchell and asked for simply drafted rewrite, or as it is now, an amendment, that did not force the towns to do anything, actually, at this point in time.

We had another executive session with this amendment and found that in the amendment that was proposed that if they had a code, they must adopt the Boca Code. We objected to that and Mr. Mitchell indicated that it would be satisfactory if we grandfathered in. So, therefore, as the amendment currently stands and as the bill is before you, that if they have building code and if they stay with that building code, then they would be all right. As Representative Dam said, if they want to change the code then they must adopt Boca.

What is Boca? Boca is the Building Official Code Administration International, Incorporated. It is a unit, nonprofit unit, that brings together architects and engineers, construction people, manufacturing people, and they test and come up with the standards that the different material will take, the stresses. As Representative Carey stated, the Boca Code is not a specific code. It sets up what you must do. If the roof has to hold up 50 pounds per square inch, this is what you have to build to, it does not tell you exactly how it is done.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Legal Affairs Committee who listened to everything that was said, I felt that, again, it was the erosion of home rule.

I checked with the powers that be in my city and they were against the Boca Code, what reason I don't know, but Lewiston has its own building code. When Mr. Mitchell came in for the third time it is when they agreed to grandfather the thing, thinking it would appease me to an extent that the City of Lewiston would not be involved at this time but, as it was said here, in the future any change they want to make, they have to go with the Boca Code.

I am not in favor of that, not because of the Boca Code, but I am not in favor of any municipality being legislated into something that they might not want to go into in the future. Mr. Mitchell admitted one thing at this hearing, all he cared for was to get one foot in the door and the future would take care of itself. That is the thing that scared me the most. They took everything out of the bill after it was first introduced, watered it down and watered it down in order that they may get a foot in the door and what is going to happen two years from now? It is anybody's guess.

Two years ago, the same bill was in front of our committee, it was defeated at that time and it came out unanimous "Ought Not to Pass." At this session, it was a divided report. I ask you today, please do not open this door, so that the towns, the cities, may adopt what they wish in the future.

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

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. This bill started out to be a pretty good bill. Could Mrs. Najarian of Portland tell me if this bill overrides the Farmer's Home Administration Code, the Veteran's Administration Code and the Federal Housing Administration Code?

The SPEAKER: The gentleman from Gardiner, Mr. Bowie, has posed a question

through the Chair to the gentlewoman from Portland, Mrs. Najarian, who may answer if she so desires.

The Chair recognizes the gentlewoman. Mrs. NAJARIAN: Mr. Speaker, I frankly don't know.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question, I am not sure in the stick building trade, but I know that the FHA in mobile homes and modular housing now recognize Boca Code.

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

Mr. BOWIE: Mr. Speaker, could I have this item tabled for one legislative day?

The SPEAKER: The gentleman from Gardiner, Mr. Bowie, moves that we table this one legislative day. The Chair will order a division. If you are in favor, you will vote yes; those opposed will vote no.

A vote of the House was taken.

25 having voted in the affirmative and 57 in the negative, the motion did not prevail.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Now you are in my field. I have talked on a lot of things, maybe I didn't know what I was talking about, but this one I think I know a little bit about.

I honestly think it is absolutely absurd for us to be considering a building code when we have, as was mentioned, FHA, which is the Farmer's Home, you have the Federal Housing, you have various others, you have also the local building codes, you have so many codes now that it is almost unbelievable, really. You want to get into the building field and try to abide by them.

I speak on this for maybe another reason, it is local control. It is a word that we keep hearing and people keep screaming to us and we seem to let it go in one ear and out the other. For once, let's have hands off on a statewide level and let the people in their own municipalities, where they can treat their own problems, handle it. As a practical matter, almost everything that is built in this state comes under some sort of mortgage regulation, which would be Farmer's Home, Federal Housing or whatever, and when it does, it is regulated and the banks won't approve the money unless that house conforms to the regulations which they are loaning the money under. So, for the practical matter, why create a bureaucracy, which it would be, it is a foot in the door and I agree with that 100 percent, and spend state money when it is already being done?

Your codes on plumbing, I can tell you that for the most part, are a farce. They don't work and if they do work, it is because of the efforts on a local level and the regulations imposed on the local level to make those things work. The local level government is doing the job and let's let them do it from now on.

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

Mr. CAREY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Woolwich, Mr. Leonard. The question was asked by Mr. Bowie from Gardiner a few minutes ago, and I know that Mr. Leonard is in the design field and I am very interested in his comments on the different number of codes that he has to work with and I would assume that he as

a designer would much prefer to design under one code than have to design buildings under many codes, but I would be very interested in his answer, if those other codes are equal to the Boca Code, the ones that he spoke to and obviously that would answer the questions of the gentleman from Gardiner.

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentleman from Woolwich, Mr. Leonard, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I welcome the opportunity to project to this House, to convey to this House, the quality of my work. I take the toughest code which would be the farmer's home Code and I conform to that and I always meet all others. I am not just a designer, I am a builder.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: To clear up one misconception that one of the previous speakers has put out, the Maine Municipal Association went on record against this bill as it was written, and they would be against the amendment that is proposed.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am looking at the amendment and I don't quite understand why we say there isn't any state control of this. If you look at the amendment, it very specifically says that the department may amend any such adopted code, rule, or regulations. What does this mean when it says department if it doesn't mean the state department? I don't know which state department, it doesn't say which state department it is but it very specifically says department, so that indicates to me that it is regulated by the state.

Then there is one other part of the bill that doesn't appeal to me too much and that is on the last page, on page 3, and this doesn't give the department such a lot of authority but I think it gives a tremendous amount of authority to the Maine State Board of Registration of Architects, because they may waive the provisions of this section by regulations to the extent that it may, in their opinion, inhibit sound, professional practice. So, if there is something about a specific building that they don't like, they can veto it. For those two reasons, I am opposed to this bill.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: The 'department' in the bill that she is referring to, I think it refers to the Bureau of Public Improvements. We have already passed legislation in the past that all buildings using state money shall be designed and constructed according to the Boca Code, so that language is nothing different from what we really have already. It doesn't apply to the towns so there is no department involvement in the building code as far as the towns are concerned.

While I am on my feet, I would make just one final appeal. I believe that around 60 or 70 percent of the new homes sold in Maine

today are mobile homes, for which we have already established and require minimum performance standards and we have done the same for all industrialized housing. Now the representatives of those two industries have always claimed that it puts them in an unfair competitive position to have to meet certain standards, while conventional home builders do not. In this legislation before us, we are not requiring any town to adopt a code, but if they want to have a building code, the code that they adopt must be the Boca Building Code.

I think we have a responsibility to do this for two reasons. The first is that we have the advantage, through our public hearings, to hear the views of those who are thoroughly familiar with all kinds of building codes, contractors, designers, architects, engineers, building inspectors from all over this state and without exception, all were enthusiastic supporters and proponents of the Boca Code. The smaller towns, I would guess, do not have available to them testimony from all these skilled professionals in the home building industry when they go about deciding to adopt a code. We can save the towns a lot of time and agony by adopting the state code whose merits are known to us through our public hearing procedure to be superior to other codes.

The second reason we should adopt this code is very simply to protect occupants, owners and buyers from inferior and substandard construction. Building codes are established from years of experience and their only purpose is to insure durability for a reasonable length of time, livability and the peace of mind that comes to anyone investing thousands of dollars knowing that all systems are go.

I hope that you will defeat the motion to indefinitely postpone so this very lenient but potentially very beneficial legislation can be passed to be engrossed and I request a roll call, please.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I will be very, very brief. The good lady from Portland, Mrs. Najarian, says that the people all appeared in favor of this. Well, I just wonder if this hearing had been held at nighttime or been held at several locations, maybe, three throughout the state, how many people would have appeared in opposition to it, because as I picked up the KJ this morning, as well as the Waterville Sentinel, which serves my area, I read where Maine Municipal now has started holding nighttime legislative sessions to — well, meetings to discuss legislative items because before in the afternoon, the towns couldn't be represented because so many of the selectmen or the municipal officials had other jobs and they had to work on them during the daytime. In that article, it said they really commend the MMA for doing this because it gave the people a chance to get to the hearings at night where they couldn't get to them during the daytime.

So, I submit to you people here today that anytime you hold a hearing in the afternoon, of course, you are going to get the contractors because they are pretty well heeled and of course, you can get the state officials because they are pretty well heeled, as far as job security, they can come down to the hearing, it doesn't bother them, they are going to be paid anyway but the person, like a selectman in a small town that maybe is out farming or doing a little logging, he doesn't have too much

time to take off in the afternoon and come down because nobody is going to put the money in his pocket, he has got to make his own money.

The other thing I would like to point out that my good friend from Waterville, Mr. Carey, I think he said that he thought maybe I wasn't doing my job, if that was the way that I was doing it. Well, I would like to point out to Mr. Carey that I serve as a plumbing inspector and I am not serving as a site evaluator. There are two different things involved here. When I spoke about sifting a little sand through the fingers, I spoke of a site evaluator, I did not speak of a plumbing inspector. I serve as plumbing inspector for my town and we don't go out and evaluate the soil, we do under the present rules and regulations set up by the Department of H&W, Bureau of Sanitary Engineering, we are required to have a knowledge of the site where the system is proposed but what we do, primarily, is after having knowledge of the site, is to evaluate the report that is submitted to us either by a soil scientist, a geologist or a soil engineer, or to use the term of H&W, others are recognized by the department, so all we are doing is evaluating papers and having a knowledge of the site, we are not doing the actual sifting of the soil.

I didn't get grandfathered in under the test to be a plumbing inspector. All plumbing inspectors have to take the test; I admit I think the test was quite a farce because it had more to do with land use regulations than it did actual plumbing and after spending six years down here, anybody would have pretty good knowledge of land use regulations. But I did pass the test and I have got certified for three years and when that runs out, I am sure I will be certified again.

I would also like to mention that I do serve my town as building inspector and I do belong to the American Association of Building Inspectors, so I have a little knowledge in that matter. I have been involved, not on a commercial scale, but in building since I was 12 years old and I gave up that on any scale back six years ago, when I came down to the legislature. I still do a little building off and on for myself. I do have a little knowledge. I don't, I am not expert by any means because I wouldn't want to be an expert in anything, because when I see experts they really scare me.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: The argument that the gentleman from Skowhegan, Mr. Dam, advances as saying if the hearings had been held at night, there might have been opponents, that can be said by all the hearing we hold up here. As a matter of fact, if they were held at night, I might have had even more proponents rather than opponents and I know that when the towns are opposed to something, they turn out, like on L. D. 1994, Tax Assessment Districts, and when they are really for something they turn out, so I just don't think that that is a very valid argument.

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

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: I guess it is time to put this thing in the right perspective and really what we are trying to get at in this bill, and I will have to put myself in the seat of being Bowie Construction Company or something. But if I build a house where

a person is getting their money from Farmer Home Administration, I have quite a lot of rules and regulations and forms to fill out and I have to build it according to their specifications, as would be with the Veteran's Administration, as would be with the Federal Housing, but along comes this problem — I come up to my good friend Guy Hunter and I say, lend me \$20,000, I am going to show you how to make a quick 10. All I have to do is go to my municipal office and get a building permit and I can go out and build a 24 by 40 or 36 by 50 house or any size I want to, and build it any way I want to and if I could find a bank to finance it, then I can make myself a quick profit and split it with my good friend Guy Hunter without any rules or regulations whatsoever.

I have talked with several bankers and they would like to have some sort of a code that they know when they take a mortgage on a house that they have got a house that is built to a certain specification, which isn't the case now in a lot of stick-built homes. Don't confuse the issue with stick-built homes, because Farmer's Home accepts stick-built homes, VA, Federal Housing and so forth. Right now we have one segment of our market that does not have a code, and that is more or less the conventional financing, and I do hope you support this bill.

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

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

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

Mr. CARROLL: Mr. Speaker and Members of the House: I would just like to remind members of this House, I am just a country boy, but we don't like to have city people tell us what we are going to do back in the country. We will tolerate you when you come down and enjoy our summer resorts. We like to have you come down and spend your money, but when it comes to telling me how I am going to build my house, you and I are no longer on speaking terms. We dissolve that partnership right here and now.

I want you to know that I have had calls from people, I have sent this out and I have been to Freedom Fighter meetings and they have all told me they don't want it.

I don't want to hear people tell me that people in my area want this building code. They don't want it! And that is good old American plain English and it is given right out here on the floor that we don't want the cities telling us country folks how we are going to live. We have some people out there that live to be 90 and 100 years, old, and that shows you we have got the secret of longevity.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, 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 — Albert, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Byers, Call, Carpenter, Carroll, Carter, Chonko, Churchill, Connors, Cote, Curran, R.; Curtis, Dam, DeVane, Doak, Drigotas,

Durgin, Dyer, Farley, Fenlason, Finemore, Fraser, Gauthier, Goodwin, H.; Gray, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McKernan, McMahon, Mills, Morin, Morton, Nadeau, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Raymond, Rideout, Rollins, Saunders, Shute, Silverman, Snowe, Spencer, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Tozier, Truman, Tyndale, Usher, Walker, Webber, Wilfong, Winship.

NAY — Bachrach, Bagley, Boudreau, Bowie, Burns, Bustin, Carey, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, Farnham, Faucher, Flanagan, Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hobbs, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, LaPointe, Lizotte, Lynch, Maxwell, Miskavage, Mitchell, Mulkern, Najarian, Norris, Peakes, Pelosi, Pierce, Powell, Quinn, Rolde, Smith, Snow, Susi, Talbot, Tierney, Torrey, Twitchell, Wagner.

ABSENT — Ault, Dow, Dudley, Garsoe, Hennessey, Hutchings, Jacques, McBreairey, Palmer.

Yes, 89; No, 51; Absent, 9.

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

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

Mr. LOVELL: Mr. Speaker, having voted on the prevailing side, I would now move for reconsideration and hope you vote against me.

The SPEAKER: The gentleman from Sanford, Mr. Lovell, having voted on the prevailing side, now moves we reconsider our action whereby this Bill was indefinitely postponed. All in favor of reconsideration will say yes; those opposed will say no.

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

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

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 20, by Mr. Rolde of York.
Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-390) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act Authorizing the County Commissioner of the Various Counties to Expend Funds for the Purchase of Real Estate" (H. P. 1165) (L. D. 1464)

Tabled — May 20, by Mr. Kelleher of Bangor.

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

Thereupon, Committee Amendment "A" was adopted.

On motion of Mr. Kelleher of Bangor, the House reconsidered its action whereby Committee Amendment "A" was adopted.

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby the Report was accepted.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill that came before us the other day, I meant to pass comment on it. It would simply put the counties in the state in the real estate business. I suppose if we were looking for a title for the company, we could call it the Towns and County Realty Company. I, for one, do not want to see my county going into the real estate business and I am not sure that I am alone in this issue as far as the other members of this House are concerned.

I can understand somewhat the reasoning of this bill being put in, but the legislature meets in its annual session and we are back in here in special session, and if there are any bills or any issues that come up where the counties are in a position that they may want to buy or purchase a piece of land, it seems to me that within reason they should come before the legislative delegation, get a sponsor, present it before the legislature and then let each and every one in its respective counties have an opportunity to express their opinion. This is my reason for not wanting to support this bill, and I would hope that the House would support the indefinite postponement motion.

Thereupon, on motion of Mr. Kelleher of Bangor, the Bill and all accompanying papers were indefinitely postponed.

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

Mr. NORRIS: Mr. Speaker, I now move we reconsider this and hope you vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill was indefinitely postponed. All in favor will say yes; those opposed will vote no.

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

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

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 20, by Mr. Rolde of York.
Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-364) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act to Dissolve Hospital Administrative District No. 3 in Aroostook and Penobscot Counties." (H. P. 932) (L. D. 1176)

Tabled — May 20, by Mr. Rolde of York.
Pending — Acceptance of Leave to Withdraw Report.

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against accepting the committee report.

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

Mr. CAREY: Mr. Speaker and Members of the House: It is our committee that had much to do with this bill, and the gentleman from Island Falls, Mr. Walker, is exactly correct. When the bill was presented to our committee, the district itself was in a state of flux at that time and they had at that time tentatively decided that it did not want to be abolished.

Since that time, there has been a more firm commitment made, and the gentleman is right. If we were as a committee to hear the facts today, we would support the bill, so I would support the motion to substitute the bill for the report.

The SPEAKER: The pending question is on acceptance of the Leave to Withdraw Report. All in favor of accepting the report will say yes; those opposed will say no.

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

Thereupon, on motion of Mr. Walker of Island Falls, the Bill was substituted for the Report.

The Bill was read once and assigned for second reading tomorrow.

The following paper was taken up out of order by unanimous consent.

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

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

Tabled May 21, by Mr. Rolde of York.
Pending Consideration of the Governor's Veto.

The SPEAKER: The pending question now before the House, is shall this Bill become law notwithstanding the objections of the Governor?

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: After reading the Governor's objections to L. D. 35, I am convinced this legislation is completely misunderstood. This in no way alters our present laws on requirements for voter eligibility. L. D. 35 deals only with candidates of public office.

Presently, Democrats and Republicans have to be enrolled in a party three months prior to a party caucus or a primary election to use their voting privilege. L. D. 35 does not change that. All L. D. 35 does is includes candidates for public office in the three-months waiting period. They would have to be enrolled in a party three months prior to the primary filing date. That is, three months prior to April 1. This is a reasonable requirement. A candidate supposedly representing a party should, at the very least, have been active in the party for a few months to have some knowledge of party objectives and philosophies.

To repeat presently, a Democrat or Republican, just a plain ordinary citizen, if they desire to change party enrollment, must do so three months prior to a caucus or a primary election in order to vote. A candidate, in order to represent a party on the primary ballot should do no less. L. D. 35 mandates equality of treatment, and I urge you to override the veto.

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

Mr. McMAHON: Mr. Speaker, Men and Women of the House: The action of the Governor in vetoing this bill, this rather minor bill, surprises me. His comments

about the bill's constitutionality bear no resemblance to what the bill actually does. I can only conclude that the Governor is really trying to dictate to the two major parties what kind of rules they should adopt with their members. The bill in no way affects Independents. This bill only places two conflicting provisions of Title 21 in accord with each other.

Under Title 21, Section 134, Sub. 3 amended, a person may not vote at a caucus or in a primary election within three months after filing an application to change his enrollment. Title 21, Section 444 as amended, provides that a candidate for nomination by primary election must be enrolled on or before April 1 in the party named in the petition. Under these two sections of Title 21, it is possible for a person to change his enrollment from one party to another on April 1 and qualify as a candidate in the party primary under Section 444 but be ineligible to vote in that primary and to vote for himself because of Section 134.

This bill brings these two inconsistent provisions in Title 21 into agreement by providing that a voter may not vote in a primary election or file a petition as a candidate for nomination by primary election within three months after filing application to change his enrollment.

In short, this bill requires that a person who wishes to run in a primary election must also be qualified to vote in that election. I hope you override the veto.

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

Mr. SHUTE: Mr. Speaker, I would like to pose a question to anyone who might be able to answer it. Party candidates, as I understand it, can run as write-in candidates at primary elections. Can the Independent candidates also run as write-in candidates at primary elections?

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to answer it. Without doing any research, I would say no, they can't, because the primary election is strictly an election for the two individual parties to select their choices, so I would say no.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: This would seem to indicate to me that the party candidates do have a six-month advantage over the Independent candidates. The Independent candidates cannot run as a write-in candidate in the primaries, because the primaries are primarily for Republican and Democrat candidates.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion to have this bill become law despite the Governor's objection.

The basis of the Governor's veto was his impression that the law might be unconstitutional. In his veto message, he says, and I quote: "I also feel that there would be serious question of constitutionality of this measure if it became law and recent court decision have removed waiting periods for persons desiring to register to vote. I think there is

a very real possibility that the right could be extended to a voter desiring to change parties or to a candidate wanting to change party enrollment."

Following the receipt of the Governor's message, I ask the Attorney General's Office for an opinion on this matter. I now have an opinion before me that the bill, if enacted, would be constitutional. I will cite from several sections of that opinion.

"I have considered carefully the opinion of the Supreme Court of the United States in *Dunn v. Blumstein*, 405 U.S. 330, which held a durational residence requirement for voter eligibility to be unconstitutional. However, that case did not involve the question of party nominee candidate eligibility. It seems to me that the Supreme Court of the United States might well find a substantial difference between a limitation on the right to vote and a limitation upon the privilege of being a candidate for nomination by a party at a primary election."

The opinion then cites several cases; for example, *United Public Workers v. Mitchell*, where the court found a substantial difference between the right to vote and the privilege of taking an active part in political management and political campaigns.

It cites the Court of Appeals of Maryland upholding denial of a person's name on a ballot as a candidate for state's attorney of a county because he failed to meet the constitutional requirement of residence for two years in that county to be eligible for the office.

The Supreme Court of Hawaii upheld the constitutionality of a provision in its Constitution requiring residence in the State for three years to be eligible to serve as a member of the Senate.

Finally, the opinion that I have says — and the opinion also cites the Constitution of the United States requires one to be a resident within the United States for 14 years to be eligible for the office of President. Then the opinion goes on: "It would seem that the Legislature could conclude that a candidate for nomination by a political party at a primary election should be generally representative of the views of the political party whose nomination he seeks. The Legislature should also conclude that in order to represent such views, he should be familiar with them. It could further conclude that a period of affiliation with that party would provide reasonable assurance of such familiarity. Accordingly, I cannot say that the requirement for a three-month waiting period, after changing party registration, for eligibility to be another party's candidate for nomination at a primary election is devoid of a rational basis."

I personally feel that the bill is a good bill and really would be closing a loophole in our existing election laws. I do not feel that the Governor, in his veto message, cited any specific legal precedents and it seems that he may well have gone more on a feeling he had. There seems to be little doubt that this law is constitutional, and I suspect perhaps even the Governor would change his mind if he had a chance. So I think it is important that the bill does become law.

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

Mr. CALL: Mr. Speaker and Members of the House: I have opposed this bill, along with the others like it, right along. I agree wholeheartedly with what the Governor had to say giving his reasons for vetoing it.

D. 35, and I will repeat two of the paragraphs and you will recall that long before the Governor vetoed this bill and gave his reasons in this statement, I have said practically the same thing.

Paragraph two, quoting the Governor: "I am taking this action because it is my sincere belief that we should not enact new laws that would make it more difficult for anyone, either a voter or a candidate, to participate in the election process."

Paragraph four, and the last paragraph: "I am against enactment of any new laws that will discourage voters and candidates from participating in the election process. I am convinced this measure would have that effect on potential candidates for public office and for that reason, and my reservations about its constitutionality, I am returning it to you without my signature and approval."

I should like to request this body to go along with me in sustaining the Governor's veto and at the same time handing him the most pleasant surprise since his inauguration.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think today I take a little different position than I have on a couple of the other ones, at least one of the other ones. Personally, in this bill, and of course this is sponsored by my good friend from Kennebunk, Mr. McMahon, and for the sessions I have been here I have yet to see him ever sponsor a bad bill, so I don't think this is a bad bill. I don't see where this restricts any participation from the people or holds them back from being within the election process at all.

I think that what the good lady from Portland, Mrs. Boudreau, said is quite true, that this is only trying to tighten up the election laws.

Another thing, regardless, and most probably the day will come when I use that same phrase too to try to get a bill killed; that I question the constitutionality of, and for the three terms I have been here, I think this is one of the greatest gimmicks that anyone could ever use, to say that I question the constitutionality of something, because I have seen it work as individuals and I am sure it will work as well down in that office on the second floor. But I would hope today with this bill, and speaking on this bill and this bill alone, that we would really give him a pleasant surprise and that we could be a hundred percent in our vote to override this veto and let this become law, even though the Governor vetoed it, because I think this is a step in the right direction to tighten up the election process, and I don't see where it is denying anybody any right.

If continually we are going to have this thrown in our face about independents or denying rights, then maybe it is time right now to throw out all of Title 21, maybe it is time to throw out the Republican Party and the Democratic Party and let everybody run at large, but I would hope that we never do this, because I am in favor of the two-party system and I would hope that we would sustain it and keep it going, and I would hope that today we would override this veto.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I am a little bit confused in regard to this bill. As I understand it now, if I enroll in a party prior to April 1, I may be a write-in

candidate, even though I might not be able to vote myself. And as I view the proposed legislation, and someone will correct me, I hope, if I am wrong, I could not even be a write-in candidate if this bill is passed. I would have to be enrolled in the party for a period of three months. Consequently, if we in the parties find an attractive candidate who might not be able to vote for himself, true, but we felt was someone we would like to have as a candidate for a given office, we would not be able to write his name in and have him elected. If I am wrong, I would like to be corrected.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: That is just exactly what I have been checking on, and although they say that a free legal opinion is worth what you pay for it, I would humbly suggest that this provision in L. D. 35 does not apply to write-in candidates, and the write-in candidate would not have to be a member of the party because it talks about somebody being eligible to file a petition as a candidate for nomination. And each section that they talk about a mandate deals with filing of nomination petitions, and there is a separate section, Section 451, that talks about what a write-in candidate must do if he or she is nominated at the primary time, and that is only to accept or to deny within seven days.

So I would think that this does not apply to write-in candidates.

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

Mr. JACKSON: Mr. Speaker, I would pose a question here. I am a little bit confused. The majority leader has given us an opinion from the Attorney General supporting the constitutionality here, and the third paragraph seriously questions the constitutionality. Can anyone give us the opinion which questions the constitutionality of this? I would imagine there must be one.

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

Mr. MCKERNAN: Mr. Speaker, a parliamentary inquiry. Is it proper to pair on these votes?

The SPEAKER: The Chair would advise the gentleman that it is not.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: So far, this is, the third veto we have had. I would like to point out to the members of this House, between the House and the Senate, it takes about an hour to debate these vetoes at a cost of \$3,375 an hour. This is the third one and means that we have spent \$10,000 of the taxpayers' money so far. I would like to see him get the message, the people in the State of Maine get the message and we have the message.

The SPEAKER: The pending question is, shall this 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 objections of the Governor you will vote yes; if you are opposed, you will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Carter,

Chonko, Churchill, Clark, Conners, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Doak, Drigotas, Durgin, Farley, Farnham, Faucher, Fenlason, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Higgins, Hinds, Hobbins, Hughes, Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Call, Connolly, DeVane, Dyer, Finemore, Hewes, Hunter, Kany, Leonard, Lewis, Perkins, S.; Peterson, P.; Rollins, Shute.

ABSENT — Ault, Dow, Dudley, Garsoe, Hennessey, Hutchings, Jacques, McBrearty.

Yes, 127; No, 15; Absent, 8.

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

Sent to the Senate.

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

House Divided Report — Majority (12) "Ought to Pass" as amended by Committee Amendment "A" (H-369) — Minority (1) "Ought to Pass" in New Draft (H. P. 1205) (L. D. 1173) — Committee on Fisheries and Wildlife on Bill "An Act to Increase Certain Hunting and Fishing License Fees" (H. P. 464) (L. D. 566)

Tabled — May 21, by Mr. Kelleher of Bangor.

Pending — Acceptance of Majority "Ought to Pass" as amended Report. (Germaneness of Committee Amendment "A" questioned by Mr. Carter of Winslow.)

On the question of germaneness of the Amendment posed by the gentleman from Winslow, Mr. Carter, the Speaker ruled that the Amendment is germane.

On motion of Mr. Mills of Eastport, tabled pending acceptance of the Majority "Ought to pass" Report and specially assigned for Tuesday, May 27.

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

Bill "An Act Relating to Protective Custody of Children under Health and Welfare Laws." (H. P. 1577) (L. D. 1880)

Tabled — May 21, by Mr. Rolde of York.

Pending — Passage to be Engrossed.

Mrs. Byers of Newcastle offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-425) was read by the Clerk and adopted.

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

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

Bill "An Act to Authorize the Board of Registration in Medicine to Conduct

Medical Education Programs" (S. P. 430) (L. D. 1417)

Tabled — May 21, by Mr. Rolde of York.

Pending — Passage to be Engrossed.

Mrs. Post of Owls Head offered House Amendment "A" and moved its adoption. House Amendment "A" (H-443) was read by the Clerk and adopted.

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

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

Bill "An Act Concerning Pay Toilets" (H. P. 663) (L. D. 837) — In House, Majority "Ought to Pass" Report of the Committee on Legal Affairs read and accepted and the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-131), May 19. — In Senate, Minority "Ought Not to Pass" Report read and accepted in non-concurrence.

Tabled — May 20, by Mrs. Najarian of Portland.

Pending — Further Consideration.

On motion of Mr. Faucher of Solon, the House voted to recede from its action whereby this Bill was passed to be engrossed.

On further motion of the same gentleman, the House voted to recede from the adoption of House Amendment "B" and on motion of the same gentleman, the Amendment was indefinitely postponed.

The same gentleman offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-447) was read by the Clerk and adopted and the Bill passed to be engrossed as amended by House Amendment "C" in non-concurrence and sent up for concurrence.

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

House Divided Report — Report "A" (5) "Ought Not to Pass" — Report "B" (5) "Ought to Pass" as amended by Committee Amendment "A" (H-407) — Report "C" (2) "Ought to Pass" — 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)

Tabled — May 20, by Mr. Rolde of York.

Pending — Acceptance of any Report.

On motion of Mr. Farley of Biddeford, tabled pending acceptance of any Report and specially assigned for Tuesday, May 27.

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

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

Tabled — May 20, by Mr. Higgins of Scarborough.

Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-415) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

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)

Tabled — May 20, by Mr. Dow of West Gardiner.

Pending — Passage to be Enacted.

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

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

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

Tabled — May 20, by Mr. Cooney of Sabattus.

Pending — Passage to be Engrossed.

Mr. Faucher of Solon moved this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. BIRT: Mr. Speaker and Members of the House: I don't think I can let that happen without making a few comments on this thing after watching it go along as far as it has.

This was bill that I introduced earlier in the session, hopefully to try to correct some things that I felt were necessary to properly do an apportionment of the House. It has been changed quite a bit, but at the same time, I still believe there is enough in there to make it worthwhile to try to salvage it.

It has long been a desire to want to effect some reduction in the size of the House. I have had some reservations in my own mind as to how far it should go. I think at one time I was probably opposed to any reduction, but I do believe an attempt to reduce the size of the House to 132 members and set up a ratio of 4 to 1 in which your Senate Districts should be based on four House Districts would make a great deal of sense and would actually result in a much better apportionment of the other body and still do an effective job in this body.

At the present time, there are quite a few communities in this state that could be apportioned and not have to have any change if we went down to a 132-member House. That would leave an average House of about 7,500. You would go from 7,200 to 7,900 for the size of the House.

A good many of the communities like Gorham and Westbrook, Scarborough, Millinocket, there are quite a few of those towns that could adequately be apportioned without taking any part of the community away and putting it into another district. I think this would work out very well, and I hope you wouldn't vote to indefinitely postpone this and take another look at it and maybe we could discuss it more extensively at the enactment stage. I really do believe it would make a much better arrangement; it would satisfy some of the people who would like to see some reduction in the House and do a better job, and I hope the motion to indefinitely postpone this will be defeated.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I don't believe in long speeches, but I

believe we have 151 members in this House and I like every one of you and I don't want to reduce it.

We would look very intelligent sending this to the people for referendum and telling them that they have got to make up their minds and tell us what we are going to do ten years from now. We are going to look very intelligent because they won't know what could happen in ten years, should we reduce it or should we enlarge it or do away with the other body. So I hope you go along with my motion. I request a roll call; Mr. Speaker.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to support the indefinite postponement motion because I am going to get an amendment prepared if we ever can get it back there to increase the size of the Maine Senate. We want to give government back to the people, let's put a few more senators over in the other body. I would urge this House not to go for indefinite postponement then I would hope someone would table it so I could get an appropriate amendment prepared to help our brothers and sisters over in that other body.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very, very briefly. If there is one question in the time that I have been here that has been put to me by the constituents from my area has been, when are you people going to give us a chance to reduce the size of the House? This is a question that has been put to me time and time again. All we want is a chance to vote on it. Every session I have been here we have had L. D.'s drawn up and we have fooled around with them and eventually this House refuses repeatedly to send it back to the people and let them decide.

I hope you vote against the indefinite postponement, and once and for all, send it out to the people and let them make the determination.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I have to speak on this bill. As you may or may not know, I represent District 101. I think I have some distinction because in Washington County this includes, Indian Township, Alexander, Charlotte, Codyville Plantation, Cooper, Crawford, Danforth, Grand Lakes Stream Plantation, Pembroke, Plantation No. 14, Plantation 21, Princeton, Robbinston, Talmadge, Topsfield, Vanceboro, Waite, and in Southern Aroostook County, Amity, Bancroft, Cary Plantation, Glenwood, Haynesville, Macwahoc Plantation, Orient, Reed Plantation and Weston. If we increase the size of that district and I don't expect to be around here in 1985, but I would think that you ought to have another bill to give my successor a helicopter if he wanted to get around to the towns every now and then.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I admire the gentleman for having the courage to read them all off. Now I can inform Mr. Birt why I didn't object to the reapportionment of the House because that was my previous district.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief but I am not such a good orator as the last man that spoke but I have got about the same number of towns and I can't name them all, I don't think. I start at Milford line and I go on up through to Topsyfield and there are a lot of little towns I never heard of until they were thrown into my district but it includes an awful lot of them and I won't take the time to name them all.

Down through the years I have generally been for lowering the size of the House but I thought when we started off this session we made room for two extra seats in here, that wasn't the concept in here now. If they are just going to shorten up the districts, so to speak, to fill it up with the minority groups in the House, I would rather keep it the way it is.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion for indefinite postponement because I think my good friend from Solon, Mr. Faucher, made it quite clear when he said the people think we are foolish to send out something now that would affect them in 1985. Personally, if this thing was going to happen a little earlier, I could support it because this might put my town back into a single town and give me back the other third that I lost. To put it out in 1985, I think what we are pretty much saying to the people of the State of Maine that we are willing to accept the fact that Maine is never going to grow in the next ten years, that if anything, we are going to dwindle down so that the legislators can take on more constituents and increase their territory just like the good gentleman just spoke, Mr. Dudley, they have such a territory now that they can't hardly get around it. Then to give them any more they most certainly aren't going to get around it. To project ahead ten years now, I think, this is utterly ridiculous. Maybe this should be defeated now and come up in a later session when we are a little closer to that date.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Relative to the point of we are trying to project something ahead to 1985, I think if you have ever done any work on the whole problem of apportionment, you will realize that you have got to project this thing ahead, you have got to do some of the work quite some time in advance. Actually, the work on starting to do the apportionment for the House that will be elected in 1985 will actually be done somewhere in the year 1981 or 1982. I realize that we are looking quite far ahead but we have just gone through this whole situation and just completed an apportionment last session. I think that we have got to start to face up to these things, at this time, because if we project this ahead and we wait until 1985, it is too late. By 1981 we are going to be into the problem. I think that throwing this type of smoke screen up is completely distorting the whole picture.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Solon, Mr. Faucher, that the House indefinitely postpone Resolution Proposing an Amendment to the Constitution to provide for Reduction of the Number of Representatives in 1985, to Establish the Number of Senators at Thirty-three in 1985, and to Change the Date of Convening of the Legislature. House Paper 1587, L. D. 1883, and all accompanying papers. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Call, Carey, Carroll, Chonko, Connors, Connolly, Cole, Curran, P.; Curran, R.; Dam, DeVane, Drigotas, Dudley, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Hutchings, Ingegneri, Jackson, Joyce, Kelleher, Kelley, LeBlanc, Leonard, Lewis, Lizotte, Lunt, MacEachern, Mackel, Mahany, Martin, A.; Maxwell, McMahon, Mills, Miskavage, Morin, Mulken, Nadeau, Peakes, Perkins, T.; Post, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Silverman, Snowe, Talbot, Tarr, Theriault, Twitchell, Tyndale, Walker, Webber, Wilfong, Winship.

NAY — Bachrach, Bagley, Birt, Bowie, Byers, Carpenter, Carter, Churchill, Clark, Cooney, Cox, Curtis, Davies, Durgin, Dyer, Farnham, Goodwin, H. Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hewes, Higgins, Hinds, Hobbins, Hughes, Immonen, Jensen, Kany, Kennedy, Laffin, LaPointe, Lavery, Littlefield, Lovell, Lynch, MacLeod, Martin, R.; McKernan, Mitchell, Morton, Norris, Palmer, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Powell, Shute, Smith, Snow, Spencer, Sprowl, Stubbs, Susi, Teague, Tierney, Torrey, Tozier, Truman, Usher, Wagner.

ABSENT — Doak, Dow, Garsoe, Gauthier, Hennessey, Hunter, Jacques, Jalbert, Kauffman, Lewin, McBreairey, Najarian, Strout.

Yes, 71; No, 65; Absent, 14.

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

The Chair laid before the House the sixth 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 20, by Mr. DeVane of Ellsworth.

Pending — Acceptance of Either Report.

Mr. Goodwin of South Berwick moved that the House accept the Majority "Ought Not to Pass" Report.

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

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this motion and I ask that you accept the Minority Report, "Ought to Pass" with the amendment that you find on your desk.

This bill, as you know, pertains to a family planning service to minors. This bill refers directly to a bill that was passed in the 106th Legislature, Bill 1823 to set up a program and policy for furnishing family planning services. This family planning service was to counsel and does counsel people who would like to plan their families and know more about contraceptives and be able to regulate pregnancy. This was a favorable service and is today, with the exception that we are finding that more and more teenagers are using this service.

In this bill, the first primary bill, is a paragraph 1908 referring to minors. This is the area to which I address the amendment and this bill in general. I did not frankly know anything about this service until a group of concerned parents came to me and wondered what could be done regulating a law pertaining to this paragraph. What my people did, in my district, was to hold public meetings and then form a committee which set up a plan to work with me to produce what you find here in the Committee Amendment. The idea being that concerned parents want very much to know when a child, under 18 years old, goes for the family planning service and asks for a prescribed contraceptive that is known, as we are all familiar with today, the pill. This involves a bodily change which is not a mechanical device. Parents that talked with me are very much worried about the medical history that might be within their family which the child would not be aware of, and that therefore, the use of the prescribed drug might be very harmful. They, therefore, are asking that they be notified when this particular service with a minor is being used.

I would like to point out how we have come about to be in a society where young people are using sexual contraceptives. To think of a child 13, 14 or 15 is really appalling and yet we have to look at what our society is like today. First, let's look at the family. We would hope that the family would be the basis for teaching values to young people when it comes to the sexual subjects but our family is quite different today, it is a mobile unit, the people in it are moving and the family itself is moving and even the youngest children are getting more information from outside the family than inside the family, unfortunately.

Also, let's look at the young people themselves. Today they move in a very mobile society, in a society that has TV and other visual learning processes. The youngsters today really know much more than you and I knew when we were in those particular areas, junior high school or high school. A great many techniques, technical knowledge and learning have been thrust upon young people so that they have to learn sex almost quicker than they learn to read and write. Therefore, they are very aware of what is going on.

I want to look at TV a minute. TV programs became so popular that it is almost a way of life with us, as intimate, as eating and sleeping. We do everything through TV. The TV programs did damage to the movie trade and for that reason movies began to develop the old saw, they took in the sexual subjects to promote their own business. Out of this development comes the sexual stimulus that is around us all day, every day. We have it in magazines, in movies, on TV, we have it everywhere. Therefore, young people are sexually stimulated, constantly, in one way or another. For us, too, we have to do

quite a lot of thinking to make judgments for ourselves and the young people living in larger groups of their peers are taking on sexual activity as one of the "in" things to do. Therefore, they are going to this family planning service for advice, counseling, and, furthermore, for the pill. My family group that talked with me, my concerned parents, are not against family planning service, but they are asking that when a youngster that is a minor goes for this service that the parent be allowed to know, be given the knowledge that this is going on, and that they may then advise doctors in this service plan of a medical problem at home. I sincerely hope you will give this very deep thought because you are parents yourselves and I ask that rather than accept the Majority "Ought Not to Pass" that you will accept the Minority "Ought to Pass" with the amendment.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to defeat the Majority Report and to support the lady from Millinocket in accepting the Minority Report. The matter under discussion here today is not, in fact, the matter of family planning, only a very few people, if any, are opposed to family planning or to government activity toward that end. What we are discussing is the furnishing of contraceptive devices and material and instructions to minor children without parental knowledge.

The present law reads thusly, "Family planning services may be furnished to any minor who is a parent." Fine, the fine is mine for the record, "or is married", fine, the fine is mine, "or who has the consent of his or her legal guardian" fine, once again mine, "or who may suffer in the professional opinion or the judgment of a physician, probable health hazards if such services are not provided."

I would like to discuss with you the role of a physician in judgments other than medical judgments. It is not particularly for me, I would say to the gentleman from Gardiner, but as in other issues I am going to say what I think should be said. An attorney, to give you an example, is a person who by training and experience knows what the law is and how it is applied. There is nothing in our society to suggest that an attorney is any better suited to decide what the law should be than any of us. There is nothing in our society that would suggest to me that a physician is any better able to make judgments of this nature than any of the rest of us and certainly not better than a parent. It is hardly a medical judgment in all cases. What is under consideration here is the substitution of the state's judgment for the judgment of a parent or a guardian. The state of Maine, by act of the 106th Legislature has pursued a general public good to the reduction of unwanted pregnancies among minor children by trampling upon what I consider to be an absolute right of a parent or guardian. The state has not abridged this right, it has obliterated this right. If you doubt for one moment that what is under discussion here concerns family planning or the providing of that service to minor children, let me share with you some facts derived from a conversation with a family planning clinic in Ellsworth, Maine. I called them Tuesday. I asked this question of the staff. "What percentage of the clientele you serve are married?" The

answer was, "We don't know." The second question was, "Why don't you know, you are providing a family planning service?" "We don't ask people if they are married." was the answer. Question, "Well, what is your best educated guess?" Answer, "Oh, 50-50 but we don't pay much attention to that". I am simply asking that you look at the matter and call a spade a spade. The matter under discussion is not family planning, I know of nobody in this state and nobody certainly to my knowledge, at least to this representative, has complained of family planning or of the state spending money in that effort. Ladies and gentlemen I suggest to you that if the state of Maine passed an act called the family mortgage plan and you went in to get a mortgage, somebody would ask you if you were married.

A further question, "What percentage of your clientele are minor children?" Answer, "That we do know, 13 percent of our clientele are under 18." Question, "What percentage of your clientele are under 16 years of age, persons 15 years of age and down?" Answer, "One or two percent, not quite as accurate."

I spoke on Tuesday last with a person who worked in a family planning clinic in this state other than Ellsworth and this person told me that in that clinic, the ratio was 50 percent, minor children.

If we could address the issue from another standpoint, the opponents of this legislation assume that all parents if they were aware would object to the service being extended and I don't accept that. I have talked to some parents whose children have received the service, they wouldn't all object. Some of them, in fact, would favor it. I think that is their right to do so. Some are, frankly indifferent, and I presume that to be their right but some do object and, ladies and gentlemen, they have the right to know.

The opponents say that the activities which require this service are going to go on anyway and hopefully they will, they always have, and the answer is, so we must provide as a society for that. Let me pose this to you — we are told on some good authority that 30 some percentage of the minor children in this state are using drugs illicitly. I don't know, I will accept that, and if they are, would you support in every town, a place where they could go at public expense and get drugs because "they are going to get it anyway?" It is illogical, indecent and I wouldn't support it and I would ask that no one else do so.

Ladies and gentlemen, the question here, it seems to me, is both singular and simple, does this state or any state in pursuit of a general public good, have the right to obliterate an absolute private right? And that is to violate the relationship between a parent or a guardian of a minor child? I think they do not. The primacy of the state in matters like this is regrettable and is one further step toward primacy of this or any state in a great many other regrettable areas.

I would ask you to defeat the acceptance of the majority report and at the appropriate time to accept the minority report and I would ask for a roll call.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I have dreaded this bill ever since it was sent to our committee. This is a very emotional bill and I am going to ask the members of

the House here to try to look at it very reasonable and rational.

I have a lot of statistics and a lot of facts that were presented to us by a variety of people in regards to this bill. As you can see, the majority of the committee, 10 members of the committee, went against this bill. I don't think any member of that committee is interested in breaking up the family relationships, I don't think any member of the committee seriously feels that they, by this report, are going to break up the family relationship.

There have been some problems, I guess, with the Family Planning Services in regards to services to minors, but in most instances throughout the state there have not been.

I would like to give you just a few facts here so you can make your decision. 73 percent of the married women, 18 and under, who delivered a live birth in 1972 were pregnant before their marriage, 1,074 women. In 1972, there were 528 births out of wedlock to women in Maine 18 and younger, or 26 percent of all live births. Also, in 1972, there were 440 abortions performed out of state on women 17 and younger. These are figures from the Department of Health and Welfare. This adds up to 2,000 premarital pregnancies in 1972 among Maine teens 18 and younger — 2,000 pregnancies before this law went into effect. The estimates in the Health and Welfare Department are that 10,000 teenage women in the state are sexually active. Of the 262 minors using the Family Planning Program in 1974, 34 had already had one pregnancy, 207 had been sexually active for the past six months prior to them coming to the Family Planning without any method of birth control at all.

The health aspects of minors, 30 percent of the reported cases of syphilis and 23 percent of the reported case of gonorrhea occur in those 18 and younger in the State of Maine. This indicates a high rate of sexual activity and also points out that there is high rate of VD in those 18 or younger and if you don't have family planning clinics for them to go to, this is not going to be detected until it is too late and causes serious damage to those persons infected.

The cost to a minor going to a private doctor for VD treatment is anywhere from \$25 to \$75 in this state, family planning is free. When the pregnant minor gets an abortion it is anywhere from \$200 on up. If the minor has a child and receives AFDC, it is a \$128 for one child, \$48 for the next, and you know the story about the AFDC problems we have in the state. Maine also has one of the highest VD rates in the nation and unless we can begin to detect it, we will not decrease this rate.

I would like to read to you a letter from a physician, I am not going to state his name or where he is from because I don't think it is necessary. I get many of these letters from physicians and family planning practitioners throughout the state and also from many parents who are concerned with this because they know that their son or daughter would not go to family planning if they had to be notified and they felt they had a pretty good relationship.

"As a physician practicing in X-County for the past 4½ years, I noticed a significant decrease in the number of illegitimate pregnancies among minors. I feel this is due to the availability of medical services in the area of family planning. It has been very gratifying for me to have sexually active females come to my office for help prior to pregnancy."

Why are we against this bill? Because if this bill goes into effect, I think you can be pretty well assured that 90 or 95 percent of those teenagers that would seek family planning services will not, because they do not want their parents notified.

I think there is another point in this bill that hasn't been brought up yet which I find ridiculous to say the least — Section B in this bill, the minor requesting the device or drug under this section shall be interviewed by a person with psychological training in counseling. What they want is that any minor that comes into family planning have an interview with a psychologist. What this implies to me is that the people who wanted this bill are implying that if you are under 18, sex is sick. I am sorry, but I can't go along with that and I would like to know who is going to be paying for that counseling. I think family planning outreach workers are qualified to refer minors to appropriate agencies if professional counseling is needed.

I am going to read to you a statement from a group of parents in the Millinocket area who sent this in to me who are concerned about this bill. "The present law does not take away the right of the parents to raise their children as they see fit, nor does it prevent them from teaching morals to their children, nor does it seek to break down communications. The original law rather makes a provision for minors to feel that they cannot discuss birth control with their parents to be able to obtain correct information and to take preventive action.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: This bill does provide an easy way out, which is probably what many of the young people are seeking today, but a year ago, unknown to her parents, a 16-year-old girl was fitted with a device and yesterday she had an abortion. She thought she was safe. Can you imagine the shock to her mother? The state has no place in the intimate affairs of family life, as we know it, it is contrary to the foundation which this country was founded and built on. I don't think that state bureaucrats have any business meddling in the intimate family life and I support the amendment.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I did not and fortunately nobody did, produce a list of horrors on either side, the agony of unwanted pregnancy for an adolescent child and that is immensely sad and I am grateful that you didn't drag in a string of them. I am grateful to people who don't agree with Mr. Goodwin did not drag in a list of bewildered children who had found that they had been in a contrived situation with peer pressure or otherwise, but I will be darned if anybody should have to take responsibility for venereal disease or unwanted pregnancies simply because they feel a parent has a primal position with the child and not the state and that is precisely how a number of people who support the minority position on this bill feel.

I should like to address a final remark to a horrendous misnomer. For years and years in this country, ladies and gentlemen of the House, we had a federal department which was called the War Department. In 1949, it was discovered that it was darned hard to get an

appropriation for a war department, so we had a Defense Department and it was considerably easier. Now, the obvious and simple answer is a department of military affairs and then each citizen could decide in what posture his country was.

The matter under discussion here is not family planning. I have heard nobody object to the state assisting anybody in a reasonable expectation of having a family to assist them or to pay it. It is a misnomer. The question is, and I distributed an amendment which I shall not offer, I distributed it simply to focus attention on what the issue is. The issue is the furnishing of certain devices and materials to minor children without parental consent, and that is the only issue. The family planning, in this case, is nothing more than a misnomer and an intended one.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that you go along with Mrs. Laverty and accept the "Ought to Pass" Report. I am not against family planning but part of the family planning services is supposed to be counseling, but when one of the opponents was asked if the counseling includes the moral and physical repercussions of minors using some of these pills and so forth, she said that they did not moralize because minors would not go for the services. In some instances, there may be some family medical problem that could be aggravated with some of these medications. When asked if they would take the responsibility for any medical reactions, she said no, she didn't think so.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I am a signer of the Majority "Ought not to pass" Report and I concur with the gentleman from Ellsworth, Mr. DeVane to a point that perhaps the family planning is a misnomer and we should call a spade a spade. The issue here is whether or not contraceptives are going to be provided.

However, having sat through committee hearings for over seven hours on two bills, there was one bill here earlier in the session that was reported out as a Leave to Withdraw, and hearing the debate on both sides, the one thing that kept coming back to me during those hearings is the minor, the individual, who doesn't have the parental support at home, who doesn't have the guidance, who doesn't have the relationship. During the hearings, they would lead you to believe that if it ever got out to the teenagers of the state that they could get free contraceptives the family planning services would be flooded. I don't believe that at all. What I do believe and what I have seen is that there are many youngsters who arrive in their teens and are sexually active and really have no place to turn. I think if you check the family planning statistics, you will find that in terms of the girls, none of them who have come in have been virgins and I think this is what we have to take a look at that small minority who do not have parental supervision, the guidance, that don't have a place to turn. The vast majority of our young people are not beating down the doors of family planning.

Now, the Minority Report here, it is always nice to take the extreme. All of the young people going to family planning are not the 13 and 14 year olds, you have

younger people on the other end of the scale, 16 and 17 years old, and using Mr. DeVane's percentages there are many more of them perhaps using the service than there are the 13- and 14-year-olds. Nevertheless, there is a problem there. Nowhere in the hearing that I can remember did we receive testimony about the after effects or adverse reactions to those youngsters who had been treated or prescribed a contraceptive.

It is a very emotional issue. I don't have children and I realize that I stand in a different point of reference here looking at the problem; yet, I have worked for many years with these children and I have seen it over and over again. When I left teaching school in January and I went back for my first visit in February, I was greeted with the sad news that we had just lost another freshman girl because of pregnancy.

I feel for that small minority the service must be made available and I would hope that we are not questioning the trust of the total teenage population.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I also signed out the Majority "Ought not to pass" Report and perhaps I should liken this to the "mother's bill." I do have two daughters, one is 14 and one is 16 and I hope, I pray that if they have any problems they will talk with me but if they feel that they can't, I hope and pray that they will talk with some people like these family planning people.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I just want you all to know that there is one guy with gray hair, not much of that, a grandfather, who has raised three children, and I think this is a very bad bill and I hope you kill it.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I would just phrase this in my own sense. This bill states that medicines, which I am not allowed to dispense without a prescription, can be given to your child or my child who is under age without my consent. These medicines, when I dispense them, have to have a warning on them with precautions that the Federal Food and Drug Administration has stated that they may be harmful in some cases; therefore, this bill, unless passed, this bill would correct the situation which says these medicinals can be given to your child or my child without our consent.

The SPEAKER: A roll call has been requested. In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor 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 Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: This is one bill that I would like either the House Chairman of Committee or yourself to explain the effect of either a yes or no vote. Isn't this a double negative situation?

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

that if the members of the House are in favor of the "Ought not to pass" Report, they would vote yes; if they are opposed to the "Ought not to pass" Report, they would vote no.

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

Mr. HOBBS: Mr. Speaker, I would like to pair my vote with the gentleman from Mapleton, Mr. Rideout. If he were voting, he would vote no on this motion and I would be voting yes.

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

Mr. BUSTIN: Mr. Speaker, relative to your answer to my question, I could get that far myself. I guess I would like to pose a question through the Chair to the House Chairperson to explain the effect of the vote. To allow minors to have these devices, which way should you vote on this bill?

The SPEAKER: The gentleman from Augusta, Mr. Bustin, has posed a question through the Chair to the gentleman from South Berwick, Mr. Goodwin, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. GOODWIN: Mr. Speaker, you vote yes to kill the bill, to keep the law as it is; vote no if you wish to go along with Mrs. Laverty and a bill to require parental knowledge for a minor to get contraceptives.

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

Mr. LAFFIN: Mr. Speaker, I would like to pair my vote with Mr. Cote. If Mr. Cote were here he would be voting no and I would be voting yes.

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

Mrs. MARTIN: I am sorry, Mr. Speaker, but I am confused and I wish someone here would explain this.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I just have a couple of things to say, I should be getting back to work. I have heard speakers get up and talk about the law and how it affects them. I have heard them talk about the state and how it affects them and I haven't heard about any parents. So, I am going to give you my version of a parent.

I have four girls, the oldest one being 17 and the next one being 15 and I am not going to kid myself by standing here and telling you that they're not going to have anything to do with sex. But I also want to deal in a little reality. I don't want to deal with the law, I want to deal with reality insofar as the parents and children are concerned. In the 17 years that my children have been coming up, I have gone to the P.T.A. and I have gone to ball games and functions and singing groups and the thing that I find missing from these events are parents. They're not there, only a very, very small group is there tending to their children.

Now, if we are going to deal in reality, that's where we ought to be dealing and reality says that very few of our kids are going to come home to us and tell us all about their sex life, and I want my child, and this is an issue that you are going to be voting on from your own feelings, it is not going to be an issue that you're going to be voting on because of constituents or but because of how other neighbors feel, this is a bill that you're going to be voting on because of the way you feel, at least that is how I am going to vote and I also

understand that I might differ from the way my wife is, because there's a very fine line there where we deal with our children and how we feel. I, being a father, might have different feelings toward my children than my wife does because she is their mother. We have got to take that into consideration. I know that, I am still confused on the vote, but I know that if the law reads that they have to have parental consent, then there are very few minors who are going to come home looking for that consent.

I want my child to have the freedom — I know this is a very, very fine line and it's how you feel toward your children and believe me, I go home every night at two o'clock in the morning and tuck them all in because I love them very much, but I think there is a very fine line there that you have to deal with, and there is no way in the world that I am going to influence the way you feel toward your children and I am not going to try to do that.

But the thing we have to come to grips with is the fact that today more than ever before in the history of this country, young men and young women are leaving their homes for one reason or another; they're leaving, they're going away, that's reality. That is not fiction, that is reality and we have got to come to grips with that. Now if you want to leave it that way, then leave it that way, I don't. I want to have as much contact with my children as I can possibly have, and as one of the speakers said before, I hope and pray that my children, all of them, would come to me for discussion. But in reality, I know that is not always going to be the case.

I discussed this with the gentleman from Portland, Mr. Mulkern, we ride back and forth every night and we discuss this back and forth and back and forth and back and forth. This is a very, very private vote that you're going to be taking. The vote that I am going to be taking is very, very private. I am not going to say it is going to be right, it is going to be to the best of my ability and I hope it is right. Just give that some thought when you take the vote.

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

Mr. CURRAN: I would like to correct what has been stated, both by you, Mr. Speaker, and by the gentleman from Portland. In all fairness to Mrs. Laverty's bill it does not call for consent. It calls for knowledge. They do not have to consent and I did want to clear that up.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I know it is very late, I will try to be very brief, but to express the parent's position, I would just like to say that the bill as it stands does not require my knowledge or consent if my child decides to seek out advice and information, the distinction is contraceptives or birth control pills or other devices. If my daughter died as a result of obtaining some medication in the form of a contraceptive, I will tell you right now, there is no law around that would hold me back from hunting down the man or woman that gave it without my knowledge until she reached the age of 18, and that is how strongly I love my kids and how strongly I feel about this bill. I will vote no.

The SPEAKER: The Chair recognizes

the gentlewoman from Bethel, Mrs. Saunders.

Mrs. SAUNDERS: Mr. Speaker, Men and Women of the House: We seem to be talking about girls and for every girl who gets pregnant, there is a boy and there is heartache on both sides. I think we need to think about that.

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

ROLL CALL

YEA — Albert, Bachrach, Bagley, Berry, P. P.; Bustin, Byers, Carroll, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, Drigotas, Dudley, Durgin, Fenlason, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hewes, Hughes, Hutchings, Ingegneri, Jackson, Jensen, Joyce, Kany, Kennedy, LaPointe, LeBlanc, Leonard, Lewis, Lunt, Mackel, Martin, A.; Maxwell, McKernan, McMahon, Mills, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Rollins, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Tierney, Torrey, Wagner, Wilfong.

NAY — Ault, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Call, Carey, Carpenter, Carter, Churchill, Conners, Curran, R.; Curtis, Dam, DeVane, Farley, Farnham, Finemore, Gould, Gray, Immonen, Kelleher, Kelley, Laverty, Littlefield, Lizotte, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; Morin, Perkins, S.; Perkins, T.; Shute, Strout, Teague, Theriault, Tozier, Truman, Twitchell, Usher, Walker, Webber, Winship.

ABSENT — Doak, Dow, Dyer, Faucher, Garsoe, Gauthier, Higgins, Hinds, Hunter, Jacques, Jalbert, Kauffman, Lewin, Lovell, McBreairty, Palmer, Tyndale.

PAIRED — Cote, Hobbins, Laffin, Rideout.

Yes, 79; No, 49; Paired, 4; Absent, 17.
The SPEAKER: Seventy-nine having voted in the affirmative and forty-nine in the negative, with four paired and seventeen being absent, the motion does prevail.

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

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

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, now moves the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report. All in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

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

An Act Extending the Time Limit During which School Budgets May be Adopted by Certain School Administrative Units (H. P. 1623) (L. D. 1899)

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. 125 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.

Senate Reports

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Authorize the University of Maine to Proceed with the Development of a School of Medicine as Part of the Teaching Program of the University System" (S. P. 224) (L. D. 773)

Report was signed by the following members:

Mrs. MITCHELL of Vassalboro
Messrs. POWELL of Wallagrass Pt.
INGEGNERI of Bangor
CARROLL of Limerick
FENLASON of Danforth
TYNDALE of Kennebunkport
CONNOLLY of Portland

— of the House.

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

Report was signed by the following members:

Messrs. THOMAS of Kennebec
KATZ of Kennebec
BERRY of Androscoggin

— of the Senate.

Mrs. LEWIS of Auburn
Messrs. LYNCH of Livermore Falls
BAGLEY of Winthrop

— of the House.

Comes from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-124) as amended by Senate Amendment "B" (S-163), thereto.

In the House: Reports were read.

(On motion of Mr. Rolde of York, tabled pending acceptance of either Report and specially assigned for Tuesday, May 27.)

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act Relating to the Sale of Crawfish" (S. P. 104) (L. D. 359)

Report was signed by the following members:

Mr. REEVES of Kennebec

— of the Senate.

Mrs. POST of Owls Head
Messrs. BLODGETT of Waldoboro
JACKSON of Yarmouth
MILLS of Eastport
JENSEN of Portland
GREENLAW of Stonington
CURTIS of Rockland
CONNERS of Franklin
MACKEL of Wells
WEBBER of Belfast

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-154) on same Bill.

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Mr. BERRY of Cumberland

— of the Senate.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (S-154) Report read and accepted and the Bill passed to be engrossed as amended.

In the House: Reports were read.

Mr. Greenlaw of Stonington moved the House accept the Majority "Ought not to pass" Report in non-concurrence.

(On motion of Mr. Pierce of Waterville,

tabled pending the motion of Mr. Greenlaw of Stonington to accept the Majority Report in non-concurrence and specially assigned for Tuesday, May 27.)

Bill "An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands" (H. P. 965) (L. D. 1209) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-326) on May 21.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "B" (H-327) and asked for a Committee of Conference.

In the House: The House voted to insist and join in a Committee of Conference.

(Off Record Remarks)

On motion of Mr. Rolde of York,
Adjourned until twelve-thirty tomorrow afternoon.