

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

Friday, May 23, 1975

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

Prayer by the Rev. Richard Peterson of Portland.

The journal of yesterday was read and approved.

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

Committee on Judiciary reporting Leave to Withdraw on Bill "An Act Providing for Rehabilitation Program Contract Completion as a Condition Precedent to Hearing before the State Parole Board" (S. P. 315) (L. D. 1092)

Came from the Senate with the Report read and accepted.

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

Ought to Pass in New Draft

Committee on Natural Resources on Bill "An Act to Provide Opportunity for Reasonable Correction of Applications Before the Board of Environmental Protection" (S. P. 242) (L. D. 794) reporting "Ought to Pass" in New Draft (S. P. 527) (L. D. 1892)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-181)

In the House, the Report was read and accepted in concurrence, and the New Draft read once. Senate Amendment "A" (S-181) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-172) on Bill "An Act to Authorize County Commissioners to Provide or Contract for Certain County and Municipal Services" (S. P. 332) (L. D. 1118)

Report was signed by the following members:

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

Mrs. KELLEY of Machias
Mrs. BERRY of Madison
Messrs. WALKER of Island Falls
CARPENTER of Houlton
GRAY of Rockland
DAM of Skowhegan
HENDERSON of Bangor
— 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. CARBONNEAU of Androscoggin
— of the Senate.
Mrs. BERUBE of Lewiston
Mrs. MARTIN of Brunswick
Mr. TRUMAN of Biddeford
— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-172) Report read and accepted and the Bill passed to be engrossed as amended.

In the House: Reports were read.
On motion of Mr. Dam of Skowhegan, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read

once. Committee Amendment "A" (S-172) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act Concerning the Registration and Operation of Snowmobiles" (H. P. 845) (L. D. 1030) which was passed to be engrossed in the House on May 21.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-186) in non-concurrence.

In the House: On motion of Mr. Peterson of Caribou, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Provide Employment Security for State Legislators" (H. P. 1224) (L. D. 1535) which was passed to be engrossed in the House on May 16.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-184) in non-concurrence.

In the House: On motion of Mr. Farley of Biddeford, the House voted to recede and concur.

Orders

Mr. DeVane of Ellsworth presented the following Joint Order and moved its passage: (H. P. 1624)

WHEREAS, the Governor has established a special committee to formulate a long-range tax policy for the State of Maine; and

WHEREAS, the Legislature believes that the formulation of such a policy is highly desirable for this State; and

WHEREAS, it is important that the persons composing this committee be representative of the geographic, economic and social interests of this State; and

WHEREAS, the current membership of the committee are all men, live in the southern and central part of the State, and are mainly attorneys, accountants, employees of the State and representatives of quasi-governmental organizations; now, therefore, be it

ORDERED, the Senate concurring, that the Governor of Maine is respectfully requested and urged to broaden the membership of this special committee to include representatives of the chief geographic areas of the State, the chief economic interests of this State and the chief social interests of this State, to include representation of women as well as men and to include representatives with some legislative experience in the field of taxation; and be it further

ORDERED, that a suitable copy of this Order be sent by the Clerk of the House to the Governor, James B. Longley.

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

Mr. Higgins of Scarborough presented the following Joint Order and moved its passage: (H. P. 1625)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Barbara Plowman of Scarborough President of the Department of Maine Amvets Auxiliary 1974-1975

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

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

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

On Motion of Mr. Albert of Limestone, it was

ORDERED, that Donald Carter of Winslow be excused May 27th and 29th for personal reasons.

**Reports of Committees
Ought Not to Pass**

Mr. Hughes from the Committee on Judiciary on Bill "An Act Providing for a Bill of Rights for Law Enforcement Officers" (H. P. 1127) (L. D. 1428) reporting "Ought Not to Pass"

Mr. Sprowl from the Committee on Health and Institutional Services on Bill "An Act to Amend the General Assistance Laws" (H. P. 1032) (L. D. 1320) reporting "Ought Not to Pass"

Mr. Littlefield from the Committee on Public Utilities on Bill "An Act to Allow Public Utility Rates under Bond" (H. P. 829) (L. D. 1012) reporting "Ought Not to Pass"

Mrs. Berube from the Committee on Local and County Government on Bill "An Act to Incorporate the Frye Island Village Corporation" (H. P. 1316) (L. D. 1652) reporting "Ought Not to Pass"

Mrs. Kelley from the Committee on Local and County Government on Bill "An Act Relating to Inspection of Municipal Lockups and Jails" (H. P. 90) (L. D. 119) reporting "Ought Not to Pass"

Mr. Mulkern from the Committee on Taxation on Bill "An Act to Exempt Certain Property Used as Housing for the Elderly from Property Taxation" (H. P. 1182) (L. D. 1475) Reporting "Ought Not to Pass"

Mr. Jensen from the Committee on Transportation on Resolve, Authorizing a Study of Traffic Flows in the Greater Augusta Area (H. P. 1400) (L. D. 1687) reporting "Ought Not to Pass"

Mr. Fraser from the Committee on Transportation on Bill "An Act Relating to Delivery of Suspensions under the Motor Vehicle Laws" (H. P. 1199) (L. D. 1494) reporting "Ought Not to Pass"

Mr. Kauffman from the Committee on Transportation on Bill "An Act to Authorize Municipal Officials to Place Traffic Signals on Portions of State Aid Roads which Pass Through Municipalities" (H. P. 1084) (L. D. 1364) reporting "Ought Not to Pass"

Mr. Winship from the Committee on Transportation on Bill "An Act Relating to Farm Truck Registration" (Emergency) (H. P. 1057) (L. D. 1327) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mrs. Morin from the Committee on Health and Institutional Services on Bill "An Act to Clarify Municipal Obligation for Relief under the Pauper Laws" (H. P. 245) (L. D. 326) reporting — Leave to Withdraw.

Mr. Drigotas from the Committee on Taxation on Bill "An Act Relating to Tax on Pari-mutuel Pools and State Stipend Law" (H. P. 1190) (L. D. 1486) reporting Leave to Withdraw.

Mr. Mulkern from the Committee on Taxation on Bill "An Act Relating to Certain Property and Excise Tax Exemptions" (H. P. 1263) (L. D. 1557) reporting Leave to Withdraw

Mr. Fraser from the Committee on Transportation on Bill "An Act Relating to Responsibility for Maintenance of Highways and Town Ways in Municipalities of Less than 5,000 persons" (H. P. 1331) (L. D. 1643) reporting Leave to Withdraw

Mr. Jensen from the Committee on Transportation on Bill "An Act to Allow Certain Island Residents Use of the Maine State Ferry at One-Half Fare" (H. P. 1391) (L. D. 1717) reporting Leave to Withdraw

Reports were read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Immonen from the Committee on Taxation on Bill "An Act to Amend the Taxing Provisions under the Catastrophic Illness and Medically Indigent Program" (H. P. 1162) (L. D. 1461) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-455)

Report was read and accepted and the Bill read once. Committee Amendment "A" was read and adopted and the Bill assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Concerning the Mounting of Red Lights on Vehicles Operated by Volunteer Firemen" (H. P. 990) (L. D. 1338)

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock
CYR of Aroostook

— of the Senate.

Mrs. BERRY of Madison
Messrs. KAUFFMAN of Kittery
LUNT of Presque Isle
FRASER of Mexico
WINSHIP of Milo
WEBBER of Belfast
ALBERT of Limestone

— of the House.

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

Report was signed by the following members:

Messrs. STROUT of Corinth
JENSEN of Portland
JACQUES of Lewiston

— of the House.

Reports were read.

On motion of Mr. Strout of Corinth, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act to Establish the Construction of Bikeways as a Responsibility of the Department of Transportation and to Provide Funding Therefor" (H. P. 725) (L. D. 905) reporting "Ought to Pass" in New Draft (H. P. 1626) (L. D. 1900)

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock

— of the Senate.

Mrs. BERRY of Madison

Messrs. KAUFFMAN of Kittery
FRASER of Mexico
JENSEN of Portland
WINSHIP of Milo
JACQUES of Lewiston

— of the House.

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

Report was signed by the following members:

Mr. CYR of Aroostook

— of the Senate.

Messrs. STROUT of Corinth
LUNT of Presque Isle
ALBERT of Limestone
WEBBER of Belfast

— of the House.

Reports were read.

On motion of Mr. Fraser of Mexico, the Majority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act Concerning the Required Height of Motorcycle Handlebars" (H. P. 900) (L. D. 1087)

Report was signed by the following members:

Messrs. CYR of Aroostook
McNALLY of Hancock

— of the Senate.

Mrs. BERRY of Madison
Messrs. STROUT of Corinth
WINSHIP of Milo
FRASER of Mexico
JACQUES of Lewiston
LUNT of Presque Isle
JENSEN of Portland
KAUFFMAN of Kittery
ALBERT of Limestone

— 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. GREELEY of Waldo

— of the Senate.

Mr. WEBBER of Belfast

— of the House.

Reports were read.

On motion of Mr. Fraser of Mexico, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-460) on Bill "An Act Making Potato Processors Subject to Certain Provisions of the Licensing and Bonding Statutes for the Bonding of Potatoes" (H. P. 794) (L. D. 967)

Report was signed by the following members:

Mr. HICHENS of York

— of the Senate.

Messrs. MAHANY of Easton
ROLLINS of Dixfield
TEAGUE of Fairfield
ALBERT of Limestone
DYER of South Portland
CARROLL of Limerick
TORREY of Auburn

— of the House.

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

Messrs. JACKSON of Cumberland
JOHNSTON of Aroostook

— of the Senate.

Messrs. BERRY of Buxton
HALL of Sangerville
WILFONG of Stow

— of the House.

Reports were read.

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

Mr. MAHANY: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and specially assigned for Wednesday, May 28.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-458) on Bill "An Act to Provide Workmen's Compensation Benefits for Injured Employees with Insolvent, Inadequately Insured or Uninsured Employers" (H. P. 1454) (L. D. 1729)

Report was signed by the following members:

Messrs. PRAY of Penobscot
ROBERTS of York

— of the Senate.

Mrs. CHONKO of Topsham
Mrs. TARR of Bridgton

Messrs. SPROWL of Hope
TIERNEY of Durham
LAFFIN of Westbrook
FLANAGAN of Portland
SNOW of Falmouth
TEAGUE of Fairfield
MARTIN of St. Agatha

— of the House.

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

Report was signed by the following member:

Mr. McNALLY of Hancock

— of the Senate.

Reports were read.

On motion of Mr. Tierney of Durham, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-458) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

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 Relating to Additional Roads on Indian Reservation at Indian Island" (Emergency) Committee on Transportation reporting "Ought to Pass" (S. P. 499) (L. D. 1851)

Bill "An Act Relating to the Maine State Lottery Law" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-174) (S. P. 299) (L. D. 1031)

Bill "An Act to Create a Commission to Revise the Laws Relating to Medical and Hospital Malpractice Insurance" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-173) (S. P. 494) (L. D. 1825)

Bill "An Act Creating the Maine Health Maintenance Organization Act" — Committee on Health and Institutional Services reporting "Ought to Pass" (H. P. 494) (L. D. 724)

Bill "An Act to Provide for the Identification of Past Offenders" — Committee on Judiciary reporting "Ought to Pass" (H. P. 947) (L. D. 1185)

Bill "An Act Relating to Public Utilities Commission Jurisdiction over Certain Contracts" — Committee on Public Utilities reporting "Ought to Pass" (H. P. 1536) (L. D. 1857)

Resolve, Designating the Bridge Between East Machias and Machiasport as "Rim Memorial Bridge" (Emergency) — Committee on Transportation reporting "Ought to Pass" (H. P. 1614) (L. D. 1894)

Bill "An Act to Remove the Requirement that Municipalities Composing a Transit District be Contiguous and to Authorize Municipal Transit Districts to Provide Transportation Service Outside of District Boundaries" — Committee on Transportation reporting "Ought to Pass" (H. P. 1244) (L. D. 1545)

Bill "An Act to Require the Department of Transportation to Maintain the Ferry Ramp at Frenchboro, Long Island Plantation" — Committee on Transportation reporting "Ought to Pass" (H. P. 86) (L. D. 121)

Bill "An Act Relating to State-wide Correctional Program Improvement" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-448) (H. P. 473) (L. D. 593)

Bill "An Act to Clarify the Medical Practice Act" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-444) (H. P. 1100) (L. D. 1381)

Bill "An Act Concerning Replacement of Eyeglasses and Certain other Prosthetic Devices under the Workmen's Compensation Statutes" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-456) (H. P. 708) (L. D. 887)

Bill "An Act to Equalize the Offset of Workmen's Compensation Benefits Against Certain Retirement and Social Security Benefits" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-454) (H. P. 1450) (L. D. 1721)

Bill "An Act to Authorize the Treasurer and County Commissioners of Hancock County to Build a Detention Center and District Court" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-452) (H. P. 1243) (L. D. 1544)

Bill "An Act Creating Knox County Commissioner Districts" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-453) (H. P. 1373) (L. D. 1706)

Bill "An Act Concerning the Municipal Valuation Appeals Board and Procedures for Municipal Appeals" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-449) (H. P. 1015) (L. D. 1520)

Bill "An Act to Revise the Fish and Game Laws" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-457) (H. P. 1425) (L. D. 1817)

No objection having been noted, the above items were ordered to appear on the Consent Calendar of May 27 under listing of 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 Establish a Sign on the Maine Turnpike Near the Augusta Exit to Indicate the City of Hallowell" (H. P. 1309) (L. D. 1588)

Bill "An Act to Amend the Fishing Laws of the State of Maine" (C. "A" H-442) (H. P. 1250) (L. D. 1531)

Bill "An Act to Clarify the Estimated Premium Tax Law" (C. "A" S-165) (S. P. 260) (L. D. 857)

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

**Second Reader
Tabled and Assigned**

Bill "An Act to Repeal the Requirement for Wearing Motorcycle Helmets" (H. P. 897) (L. D. 1084)

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

(On motion of Mr. Jacques of Lewiston, tabled pending passage to be engrossed and specially assigned for Wednesday, May 28.)

Passed to Be Engrossed

Bill "An Act to Permit Uniform Reduction of Liquor Prices in Four Stores in the State" (H. P. 987) (L. D. 1252)

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 Proceedings Before the Public Utilities Commission" (H. P. 1259) (L. D. 1554)

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

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

**Second Reader
Tabled and Assigned**

Bill "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air" (H. P. 1191) (L. D. 1487)

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

Mr. Peterson of Caribou offered House Amendment "A" and moved its adoption. House Amendment "A" (H-405) was read by the Clerk.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" eliminates the last part of the bill, which is the use of — I will read the amendment. "The purpose of this amendment is to eliminate the statement that incinerators of the cone variety are the best practical treatment but still to permit the use of cone burners.

Thereupon, on motion of Mr. Peterson of Windham, tabled pending the adoption of House Amendment "A" and specially assigned for Tuesday, May 28.

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

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 Utility Deposit Practices" (S. P. 358) (L. D. 1162) (S. "A" S-167)

Bill "An Act Relating to Services Provided by Private Clubs under the Liquor Laws" (H. P. 793) (L. D. 966) (C. "A" H-438)

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
Tabled and Assigned**

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

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

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

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

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

Mr. Leonard of Woolwich offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-338) was read by the Clerk and adopted.

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

Bill "An Act to Provide for the Appointment or Election of a Fire Chief in Each Municipality" (H. P. 1206) (L. D. 1499) (C. "A" H-390)

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

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

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

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

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

House Amendment "A" to Committee Amendment "A" (H-462) was read by the Clerk and adopted.

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

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

Bill "An Act to Increase Certain Volume Fees under the Maine Consumer Credit Code" (H. P. 1251) (L. D. 1532) (C. "A" H-415)

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

**Passed to Be Enacted
Emergency Measure**

An Act Repealing the York Harbor Village Corporation (S. P. 468) (L. D. 1563)
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. 106 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park (H. P. 978) (L. D. 1225)

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. 108 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

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 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.

An Act Increasing the Number of Associate Justices of the Supreme Judicial Court (S. P. 147) (L. D. 510)

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

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

Mr. HEWES: Mr. Speaker, I move this Bill and all its accompanying papers be indefinitely postponed and I would speak to my motion.

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

The Chair recognizes the same gentleman.

Mr. HEWES: Mr. Speaker and Members of the House: This is a bill that would increase the number of Supreme Judicial Court Justices of Maine from 7 to 6. I don't think it is needed at this time.

I would point out that we have received figures from other higher courts as to how many cases they handle. The State of New Hampshire, and the population of New Hampshire by the way is only about 150,000 less than Maine or 200,000 less than Maine, and they handled more than Maine did last year and they have less justices than we do, they only have five, we have six.

The State of Rhode Island has one justice less than we do, as does New Hampshire, and they handled 50 percent more cases than our Supreme Court did last year. Our Supreme Court handled 223 cases last year, New Hampshire handled 270 and Rhode Island handled 349.

The Supreme Court Justices are not handling as many equity matters, that is single justice matters, now as they were 8 and 10 years ago.

It seems to me that in this day when we are talking about decreasing the size of this House anyway, that to talk about increasing another body does not make sense. In fact I would suggest that perhaps seven justices would disagree more than six would disagree on a particular issue. I don't see why the present six can't continue to do the job that they are doing and get along as well as they have.

I point out also that the U.S. Supreme Court handles about 4,000 cases a year. They have an appellate court below them but still they handle better than ten times the number of cases that our Supreme Court does.

Now you know, the appropriation on this is \$49,000 per year or any \$99,000 per biennium. It seems to me that you not only create a judge, you create a law clerk and a secretary to the judge.

We killed this bill sometime ago; the other body didn't. A Committee of Conference was appointed. I was one of those conferees. We met, I should say the three of us House members met, with one of the Senators for perhaps 20 or 25 minutes a few days after the Committee of Conference was appointed and we didn't resolve things, but we seemed to be headed, I thought, toward the direction of having a study and then if the study indicated that there was no way the number of appeals could be lessened or the judges could handle their work more efficiently, then at the special session or next session, I certainly would go along with the seventh justice, if such was the case.

A couple of days later, there was another conference called, I, unfortunately, just through a comedy an errors, I guess, did not get notice of the conference. The gentleman from Falmouth, Mr. Snow, was the Chairman. He very kindly sent me a copy of the notice but apparently it went down to the Senate when the notice was sent to the Senators and never got back here until the next day, so that I physically was not present at the conference. I certainly would have objected. I understand the gentleman from Houlton was not present at the conference, he was the second member of the House. So as I understand it, there was the good gentleman from Falmouth from this body and the three Senators met and they pretty much agreed on the Senate's proposal; namely, to appoint a Supreme Court Justice effective a year from July, 13 months from now, and then I understand they agreed to have a study in the interim. Well, what is the point of a study after we've authorized the justice?

I submit that we should defeat this bill at this time. Many of you, I am sure, have seen other bills come back from the Senate where they have adhered to their indefinite postponement motion or their "Ought Not to Pass", acceptance of the committee report motion, and I think its about time that this House stood up on its own hind legs and let the other body know that we will stand by some of our votes sometime. I certainly hope that you will

vote to indefinitely postpone this unnecessary bill at this time.

I would like to point out one more thing if I may, and that is that this bill, I am quite certain it will get by the Appropriations Committee, and of course the Governor will not veto it because he will be appointing someone that he wants, a qualified person I am certain, he will be appointing someone who perhaps will be his supporter to this very important post. So I urge you to vote against this and let more important matters be put on the Appropriations Table now where eventually, the last day of the session, they can be passed. This bill, I am quite certain, if it gets by us today, will get by the Appropriations Table, and then I am certain it will be signed by the Governor. I hope you will vote to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker, could I ask that the second Committee of Conference report be read?

Thereupon, the Report was read by the Clerk.

Mr. JALBERT: Mr. Speaker and Members of the House: It would appear to me that somewhere along the line that with the five members of the committee, the good gentleman from Cape Elizabeth said that one of the members of the committee did not attend the conference meeting, somewhere along the line, I would question that the good gentleman from Houlton, Mr. Carpenter, would sign a report without looking at it. I doubt that very much. I am sure the chairman of the committee signed the report. Now I mean, am I correct, Mr. Speaker, in saying that five out of six or six out of zero signing a committee report makes that report valid?

The SPEAKER: The Chair would answer in the affirmative.

Mr. JALBERT: Now let's lay it down with facts and let's try to beat legislation with facts and let's not, because we have a hangup against something, try to kill it in that fashion. I like facts and I state facts and I want to hear them too, and I'm sure, the gentleman from Cape Elizabeth is in error.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say to you again that this bill went so far as to be Engrossed and I would hope that you would not indefinitely postpone the bill; in fact, I would hope that you pass this bill today. Six members of a committee is not consistent, usually, and I think I have heard that from many on our committee saying that it would be better to have seven than six when they come to a decision. I would like to mention again that this bill came out of Committee 12 to 1 "Ought to Pass."

As I have mentioned in the past, I called up the Chief Justice and while I was doing so, Mr. Hewes asked me to ask him if he was in favor of the additional judge and I so did, and he answered yes, I would like to get both. There is a bill in here for an increase to the judges, but he said that the most important one, after I told him that there was no chance of both bills passing, that this bill was the one they needed the most.

I think today I agree with Mr. Jalbert that we should speak with facts and I have a few facts here that I would like to tell you. There's a bill, 810, and it is presented

by Mr. Hewes of Cape Elizabeth and this bill, Mr. Hewes told you that the bill for the extra charge amounts to \$80,000 or \$90,000. Well, this bill that he is introducing is in the amount of \$1,076,000 for an increase to the judges and the judges themselves come up and tell us that they need the extra judge more than they do the other, and I feel that \$80,000 or \$90,000 is much less than \$1,076,000. I would like to read the Legislative Record, April 23, 1975, when this Bill was debated:

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

"Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: We are now at the point of this bill being passed to be engrossed and I ask for a division on it. There are several reasons. First off, is this bill one of the top priorities before the legislature? We don't know how much money there will be on the Appropriations Table come the end of the session, but as of April 15, eight days ago, there were bills totaling \$5,154,644, and this particular bill, which will involve either \$86,000 or \$99,000, depending upon the original bill, I believe it would be \$99,000. It is a type of bill that I think might get off the Appropriations Table. It was sponsored by the Senate Chairman."

Well, I say to you ladies and gentlemen, even \$99,000 or \$100,000 is much less than \$1,076,000. Therefore, I hope that you will use your good judgment, as you have done in the past, and vote to not defeat this bill. I hope you will vote to pass the bill because it is needed and this is what we're talking about. We are talking about good judgment and what is needed for the courts to do a good job.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: To clarify a few things and for the record, I signed the Committee of Conference Report knowing full well what I was signing. The gentleman from Cape Elizabeth, Mr. Hewes, was exactly right when he said I did not attend the meeting. I talked to the chairman of the conference committee prior to the meeting. The gentleman from the other end of the hall was late in getting to the meeting and I had to be somewhere else. I discussed the proposal, the compromised proposal was coming up for discussion at the meeting with the gentleman from Falmouth, Mr. Snow, and I told him if that is the way it went, I would go ahead and sign. I was not physically present, but when I gave my proxy, if you will, to the gentleman from Falmouth, Mr. Snow, I knew full well what I was signing.

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

Mr. SNOW: Mr. Speaker and Members of the House: First, I should correct one misstatement. The bill calls for \$49,000 the original bill called for an appointment of the justice July 1 of this year and required an appropriation of \$99,000 or something very close to that.

My second point would be that I do feel that there was substantial dialogue among the members of the Conference Committee. The gentleman from Cape Elizabeth, Mr. Hewes, was present at a reasonably lengthy discussion on the first occasion. His views were well known to the rest of us. I feel that the Conference Committee Report which resulted on the bill on which you are voting is a reasonable one.

I would like to add to that that there is in the Legislative Research Office a study order upon which the Chairman of the Judiciary Committee from the other body and I have agreed, which does call for a review of the appeals procedure as it relates to the workload of the Supreme Judicial Court. The thrust of the study will hopefully be to suggest procedures which will preclude the need for any additional justice. I feel this is a very reasonable solution to what is a very serious problem.

I would point out that the gentleman from Cape Elizabeth has certainly made his point. He has saved the state approximately \$50,000 through the medium of his objections; his objections are well known to the justices themselves, who I am told are giving serious thought to their own procedures.

Mr. Speaker, I would like to request a roll call vote.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think this body will be showing very good judgment if they indefinitely postpone this bill. I have been interested in this from the beginning and I haven't found, and I have put some time into inquiry, I haven't found where their workload is greater than it has been in the past. I hope that state of government, with the shortage of funds that we have that we don't increase it along the line.

Now, the public is not looking to us to increase this; they are sort of listening to the man in the front office and he is trying to keep the expenses of state government down. They're looking for that. They're not looking for us to come down here and go over his head and hire a new justice and by the same token, I am against raising their pay. We are not raising other people's pay very lucratively and so I am against the other bill too. But we are talking about this one now and I am sure that if you put the time in that I have and the effort in looking into this, that you would feel the same as I do, that it is unjustifiable and that you should vote to indefinitely postpone it.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the committee, I put in a little research myself and one of the things I did find was that ten years ago, roughly, the number of decisions pending before the Supreme Court was about 65 or so and now that has doubled to about 126. In the last year, I think it might be going a bit more annexed so, in fact, the workload has increased number one and number two the number of Superior Court Justices over that same period has also been increasing so by increasing the base at the bottom we haven't been increasing the top level and, therefore, we are getting a bottleneck. Number three: according to a report on the Superior Court that the Judiciary Committee received half the time of the Supreme Court Justices is given to so-called single justice work which means that it's not all of these decisions are made in a single group and, in addition, the Supreme Court has an appellate division, a separate group of the Supreme Court which deals with various kinds of appeals, so it seems to me, number one, the workload is increased by vastly more than it was just a few years ago, let alone in the early 30's when the court was constituted

and secondly, an increase in the numbers that will help reduce that workload.

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

Mr. HEWES: Thank you. Mr. Speaker and Members of the House: I want to mention that the justices sit as a group. The mere fact that there are seven justices doesn't mean that they will be covering one-sixth more sittings than will six justices. The seven justices will be sitting as a group in most cases, occasionally, there are single member hearings but they don't have those very often these days. They used too, prior to ten years ago. In reply and commenting on the gentleman from Falmouth's very truthful elucidation as to what happened at the Committee of Conference meeting, as I understood him, he said that they agreed in principle to a study as to how many justices are needed or as to the appeal procedure and it seems it's like locking the barn after the horse has been stolen, if we first authorize a justice today and then later make a study to see where the seventh justice is authorized. I urge you to have the study first and if the justice is not needed, then we won't have one. If he is or she is, then fine, we will.

With reference to the pay raise, I would like to state I have been informed by the gentleman from Doyer-Foxcroft that it would be in everybody's best interest if the bill were withdrawn and I have agreed to the withdrawal of that particular bill. I guess my last point is just so many department heads or heads of bureaus feel if they have more staff, they can do a better job. I am sure our chief justice feels that way. If the number of justices is increased, then they can do a better job but just like all the other bureau heads or department heads, I submit in this case anyway, it isn't needed at this time and I hope you will vote to indefinitely postpone.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: Mr. Hewes just mentioned that the bill, 1810, was withdrawn. I would like to say that when we debated on April 23 in the House and the statement I read a few minutes ago, that the bill was not withdrawn at that time.

Furthermore, I would like to make the statement as far as having research or looking into this to find out if we need an extra judge, I think that for the last two years, with the impact that the courts are held with all these bills, in fact, when talking with the chief judge, he mentioned to me that they have a backlog of over one year of bills that they'd like to clear up but they can't do it because they haven't got enough men to help them to do it. So this extra judge would certainly do a good job to help us to clear up our courts here and help them to do so.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think that what the gentleman from Cape Elizabeth is saying makes good sense. It seems to me we are putting the cart before the horse here, having a study. If we need a judge, if there is a need for another member of the supreme court, then coming back and saying after we've hired one or put one back on the court, to say, well, the study may say we don't need one.

I would advise you to go along with the,

gentleman from Cape Elizabeth this morning.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: We are debating currently L. D. 510 but let me call your attention to L. D. 1263 and it does the exactly the same thing that we are trying to do with 510 and there's no fiscal note on 1263. Are we being hoodwinked here, back and forth?

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

Mr. PERKINS: Mr. Speaker and Members of the House: In an effort to try to answer that question, I think 1263 is the court revision bill is it not and I would merely say that no, we are not attempting to hoodwink anybody, who is in support that, in fact, in that particular bill, we have left the supreme court's status in terms of numbers that was taken up in committee as it presently exists. In other words, with six members rather than with the increase.

I would like to say that in regard to the question of a study which has been raised there isn't any question but what if we increase the number of justices at this point, we still will not have enough. I remind this Body that the Supreme Judicial Court in its present form and number has been in existence since 1930 at which time the chief justice did not participate in the decision making process so we've had six justices which have, in fact, been in existence that length of time with no increase in numbers but with one on that body at that time not participating in the decision making process so that we didn't have the problem of an equal number deciding a matter both ways. This request for an extra judge does not mean that the Chief Justice now will step back and watch the rest of his members make the decisions. The caseload has developed so rapidly that there isn't any question but what he, too, must participate in it and if we had four more, I am sure they still would have some problems with keeping up with the workloads. However, it does mean that we would not end up with the problem that we had face us back two years ago in the Biddeford case situation where the judges, three decided one way and three decided the other and we ended up with a body, our highest court not being able to advise us, the people of the State of Maine, properly how we should deal with a given fact situation legally.

I do appreciate my good friend from Cape Elizabeth, Mr. Hewes' position and I highly respect him. It does bother me somewhat that I feel, whether rightfully or wrongfully, that perhaps there is some reason that he doesn't particularly like the present structure of that court and I do agree with him as he has said in the past, that they have, in certain instances, made law rather than reach decisions and I don't always agree with what they have done. So we are entrusting to six men and hopefully seven, if we pass this bill, one of the highest and most difficult tasks that pertains to anyone here in the state of Maine and that is to decide ultimately those many numerous areas of questions as to whether or not a particular law, a particular criminal, a particular act is, in fact, constitutional. I regard that as being one of the most awesome tasks that faces anyone, at any time. To say that six men by themselves can do this and have done it for a period of some 40 years, as it is presently structured, and have done a

fairly decent job and have not made mistakes, I am sure I could not agree more but what I am sure they have done such a thing but they, too, are human beings and it's wonderful, when I stop and think about it that we don't have some computer or some automated machine that pops out decisions as to constitutionality as to whether or not a man shall remain in prison for the rest of his life, or what have you. It is better that we have individuals like you and I, human, all the frailties that may come forth from us, be sitting above us in that particular category, making these decisions. So I beg of you, they are begging of us, they don't ask much of us, I would only ask that you go along with this bill and not support the motion to indefinitely postpone.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I'd simply like to add the fact that at the beginning of the session, leadership met with the Supreme Court Justices and they talked to us of their very interesting judicial reform legislation. This bill is one of their top priority items and I am sure the justices gave this considerable thought. Perhaps, because the gentleman from Cape Elizabeth is an attorney, he sees justices or judges in a different light than I do, as a layman, but I cannot see the Supreme Court Justices as simply another bureaucratic body trying to empire-build as the gentleman from Cape Elizabeth has somewhat implied. I am sure if they have given this bill their support, they have given it the same careful consideration they would give to one of their opinions and I hope you will support the bill.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: The remarks just made, I don't often disagree with Mr. Rolde but in building an empire, I'd like to refer him to 1263.

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

Mr. SNOW: Mr. Speaker and Members of the House: When I came here this afternoon I thought I would be talking about bicycles and not justices and the Supreme Court and I'm not sure I would have chosen a day when my daughter is serving as a page to debate with several lawyers or a lawyer, a subject as serious as this.

I would like to go back just a moment, I think there is some misunderstanding about the study. I want to be sure that everyone is clear on it. Obviously, I hope the Conference Committee would be at least intelligent enough to realize that it should not ask for a study after it had appointed someone to see whether or not it should have recommended that appointment. That is not the purpose of the study. The purpose of the study as the gentleman from South Portland, Mr. Perkins, mentioned, is to preclude, hopefully, the need for additional justices on the Supreme Judicial Court. I, as a member, voted originally in opposition to the appointment of the additional justice. Frankly, I became convinced, during my work on the Conference Committee, that I perhaps had voted in error. I am not sure of that. I think we are absolutely correct, though, in suggesting that a judge should be appointed and that he should be appointed within the next year or so. I think a study is needed despite that fact because I am also convinced that Mr. Hewes, the gentleman from Cape

Elizabeth, made an excellent point when he expressed the thought that some of the procedures are cumbersome, that some of the opinions are too long. Despite that, we still need this additional justice and we still need the study.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: The problem has been quite well pointed out if you were listening. Probably the problem seems to be they do have a backlog because six men don't seem to agree as well as five would, but instead of doing what most courts that size do, have five men, we've got six and now they want to go to seven. Now, this is not my idea of doing the job and doing it right. Now another thing that they haven't pointed out, they haven't been very lucrative in telling you that the case load has increased. It has increased some but not that much. What has increased is the backlog because they can't agree sometimes, that has increased more, but that has increased more percentage-wise than has the case load itself, and some of these people on committee, I wish they would tell the House precisely how much the case load has increased but it hasn't increased that much. I don't think they are working the right number of hours or they can't agree, so if they can't agree, I'd be in favor of having 5 judges rather than 7 and probably they could expedite matters better but I certainly feel very strongly that they don't need an extra judge and I think it's like any department, they'll take all you'll give them: If you give them 10 more, they'd find justification for another 10 and most department heads would do the same thing.

I do hope that you'll use good judgment and not go along with it.

Mr. Gauthier of Sanford was granted permission to speak a third time.

Mr. GAUTHIER: Mr. Speaker and Members of the House: Mr. Dudley said that he was hoping that you understood and listened to what was said when one of the members got up and spoke, I would like to say to Mr. Dudley that I hope he did understand and was listening when I spoke because I said the Chief Judge of the Supreme Court had mentioned that they had a backlog of over a year.

Mr. Hewes of Cape Elizabeth was granted permission to speak a third time.

Mr. HEWES: Mr. Speaker and Members of the House: I didn't realize that the study of which the good gentleman of Falmouth spoke was to increase the number of justices above 7, in other words to 8 or to 9. Our U. S. Supreme Court has 9 justices, the State of Maine's Supreme Judicial Court, at the present time, has 6 justices and this bill would increase it from 6 to 7. There was only one state in New England, Massachusetts, which presently has 7 justices. I would point out the State of Connecticut's highest court has 6 justices, the same as the State of Maine and the states of Rhode Island, Vermont and New Hampshire each have 5 justices and in response to my good friend from South Portland, Mr. Perkins, I so like the present makeup of the court that I would prefer to have it remain just exactly as it is.

Mr. Snow of Falmouth has 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

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

The SPEAKER: The pending question before the House now is the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that L. D. 510 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berube, Birt, Bowie, Burns, Byers, Call, Churchill, Conners, Cote, Curtis, Doak, Dow, Dudley, Durgin, Dyer, Farley, Garsoe, Gould, Hewes, Higgins, Hunter, Hutchings, Immonen, Joyce, Kauffman, Kelleher, Kelley, Laffin, Laverty, Leonard, Lewis, Littlefield, Lovell, MacEachern, MacLeod, Maxwell, Morin, Perkins, T.; Raymond, Rollins, Shute, Sprowl, Stubbs, Tarr, Theriault, Torrey, Truman, Twitchell.

NAY — Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Boudreau, Bustin, Carpenter, Carroll, Chonko, Clark, Connolly, Cox, Curran, P.; Curran, R.; Davies, DeVane, Drigotas, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hinds, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Kany, Kennedy, LaPointe, LeBlanc, Lunt, Lynch, Mahany, Martin, A.; Martin, R.; McKernan, McMahon, Mills, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Strout, Talbot, Teague, Tierney, Tozier, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

ABSENT — Albert, Blodgett, Carey, Carter, Cooney, Dam, Farnham, Faucher, Fenlason, Hobbins, Lewin, Lizotte, Mackel, McBreairty, Norris, Susi, Webber.

Yes, 49; No, 84; Absent, 17.

The SPEAKER: Forty-nine having voted in the affirmative and eighty-four in the negative, with seventeen being absent, the motion does not prevail.

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

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

Mr. ROLDE: Mr. Speaker, having voted on the prevailing side I move that we now reconsider our action and hope you all vote against me.

The SPEAKER: The gentleman from York, Mr. Rolde now moves that we reconsider our action whereby this bill was passed to be enacted.

A viva voce vote being taken, the motion to reconsider does not prevail.

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

An Act Relating to Motor Vehicle Excise Tax (S. P. 293) (L. D. 1018)

An Act to Clarify the Laws Relating to Human Rights (H. P. 187) (L. D. 224)

An Act to Provide for Regulation of Insurance Holding Company Systems (H. P. 462) (L. D. 578)

An Act to Permit the Continuation of Mediation Services (H. P. 739) (L. D. 911)

An Act to Permit Interstate Public Utility Hearings (H. P. 1254) (L. D. 1550)

An Act Relating to the Period for Commencing Civil Actions under the

Human Rights Act (H. P. 1269) (L. D. 1583)
An Act Converting Allagash Plantation into the Town of Allagash (H. P. 1276) (L. D. 1647)

An Act to Amend the Human Rights Act to Prevent Discrimination Against the Mentally Handicapped and to Clarify the Provisions in the Human Rights Act Regarding Physical Handicap (H. P. 1410) (L. D. 1791)

An Act to Amend the Charter of the Seaport Water District (H. P. 1235) (L. D. 1795)

Finally Passed

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

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

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

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.

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

From the Senate: The following Joint Order: (S. P. 536)

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Tuesday, May 27, at 10 o'clock in the morning.

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

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Provide for Flashing Red Lights on Buses used for School Purposes by Houses of Religious Worship" (S. P. 110) (L. D. 364)

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

Divided Report

Majority Report of the Committee on Energy reporting "Ought Not to Pass" on Bill "An Act Relating to Nuclear Power Plant Construction" (S. P. 381) (L. D. 1232)

Report was signed by the following members:

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

Mrs. DURGIN of Kittery
Messrs. TORREY of Poland
FARLEY of Biddeford
JACKSON of Yarmouth
KELLEHER of Bangor
BENNETT of Caribou
— of the House

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

Report was signed by the following members:

Mrs. BYERS of Newcastle
Messrs. DAVIES of Orono
GREENLAW of Stonington
CONNOLLY of Portland
— of the House.

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

In the House: Reports were read. Mr. Farley of Biddeford moved the House accept the Majority "Ought not to pass" Report.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and specially assigned for Wednesday, May 28.

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 House insisted on its former action whereby 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 on May 22.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought Not to Pass" Report of the Committee on Labor was read and accepted and asked for a Committee of Conference.

In the House: On motion of Mr. Hughes of Auburn, the House voted to insist and join in a Committee of Conference.

Bill "An Act to Enact a Local Rental Tax Law" (H. P. 1619) (L. D. 1898) which was referred to the Committee on Taxation in the House on May 21.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Talbot of Portland, the House voted to recede and concur.

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

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

May 23, 1975

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

I am today returning to the Legislature without my signature and approval L. D. 1192, An Act Concerning Candidates for Public Office who are running as Independents.

Candidly, I feel this measure, which would require an enrolled voter to disenroll three months before filing petitions to seek office as an independent, is an insult to the intelligence and integrity of the people of Maine.

The legislation has every appearance of being retaliatory and vengeful and I feel strongly that the members of the Maine Legislature should rise above such things. The people of Maine deserve better from their hard-earned tax dollars than for the Legislature of this state to spend valuable time enacting bills that can have no other purpose than to make it more difficult for a person who chooses to remain independent to seek public office. It is a slap in the face to hundreds of Maine citizens who might well choose to run as an independent in the future. If the Legislature intended the slap for the Governor, it failed in its mission because this Governor has run his race and won had has told the people of Maine he won't seek re-election.

So, if the legislation was intended on the part of the political parties to be retaliatory, it is unfortunate that the

retaliation had to be against the citizens of Maine.

I also would express grave concern for the constitutionality of this legislation since recent court rulings have consistently struck down legislation that makes it more difficult for voters and candidates to participate in the election process.

I sincerely request that this veto be sustained for the good of the citizens of this state who deserve better from their government in these difficult days than to have new laws which will take away still more of their freedoms placed on the books.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

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

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: As a freshman legislator, I am confused. In November, the drumbeat of the legions were reported throughout the land loud and clear. The legions were ready to move in decisive plans to save the taxpayers' money and to make the government more responsive.

In January, we were asked to keep the store open until fall. Unfortunately, life and death goes on and moratorium will not stop the state.

In the latter part of January or the first part of February, we received a budget that was 20 percent higher than the previous one eliminating the catastrophic illness phrase and making the taxpayers increased by returning to the towns the town maintenance and snow removal along with other effects.

This legislature has dealt with some very complex questions and come up with some very laudible action without executive direction, we are now getting into the full swing of dealing with in excess of 1,900 bills that are before us. So far, this process has been interrupted five times in redealing with matters that we have already decided, renaming a department, and the Executive Branch had requested a similar change for another department, special number plates that would have placed some \$10,000 into the dedicated funds that might have been expended for the town roads and snow removal, as well as increase the National Guard and help them with their retention program, then a bill that closed some loopholes in election laws that were available to only the two major parties. Now a bill comes up that creates or acts the same to the other group, the Independents. Another bill that would have saved the legislature time and money and served the people of the State of Maine whereby small claims could have been more efficiently taken care of and more quickly.

I understand there is forthcoming to us another bill that was taken from the Appropriations Table by special request because an addition of \$25 million was possibly to be made to the industry. This industry employs over 40 Maine people with a \$3 million payroll and has had no layoff during this high unemployment era. Because this bill will lose between fifteen and twenty-five thousand dollars in sales tax, it may be vetoed. If this plant should

decide to build its addition in another state, it could very well decide to close the plant in this state and move its entire operation.

In that we have gone out and asked for additional industry to come into this state, this isn't setting a very good example for what they may expect.

These remarks may be labeled as an attack on the Governor. It is not intended as such. It is intended as constructive criticism. I hope that the Executive Branch can let us know what the plans are. Today is the 83rd day, five months we have gone, and to date we still do not know what the goals are.

I have on three occasions asked to be made aware of what direction the Governor wants the state to head in. Perhaps we could help. But without any direction, the state is a ship without a sail. I therefore ask the Governor to present an overall plan so we may know where we are going.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: Here we go again. I hope this is not going to be part of our daily bill of fare. L. D. 1192 is a companion bill to L. D. 35, which we disposed of yesterday. This treats the Independent the same as Democrats, Independents, Republicans. It is equality of treatment for all. I am not going to make any big long speech on this. I just ask you to override the veto and let's get on with the business.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I know that a lot of people in this House probably feel just as my good friend from Portland, Mrs. Boudreau, just indicated. Well, here is another veto from the Governor. But I don't think we should look at it this way.

I have read this communication from the Governor and I like it, particularly because he is saying what I have been saying—right—along—relative—to—these—bills—dealing with the Independents. I don't intend to speak at length, but I really feel that we have an excellent Governor. I feel that he is trying to do as good a job as possible and I don't feel that we should just take an automatic action of passing this bill, and I beg of you to go along with me and vote in an effort to sustain the veto.

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 think this is any reflection on the Governor. I think there are many of us who have a good deal of respect for what he is doing and many of us respect what he stands up for. Certainly there are a lot of things that I agree with that are in his philosophy. I think this is due to a fact that we have recognized that there are some problems in the election laws and we are trying to close them up so that everybody runs in the horse race starting from the same gate.

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

Mr. LAPOINTE: Mr. Speaker, I would like to raise a question through the Chair, if I may. Are there any amendments on this bill at all?

The SPEAKER: The Chair would advise the gentleman that the body adopted Committee Amendment "A", which is

attached and a part of the bill, which was reproduced and distributed under filing number 230 at the time of enactment.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. It has been debated so many times here, it is about time we took care of it. If you will read the little green sheet we got from our good Governor, it says the people of Maine deserve better for their hard earned tax dollars.

Well, this is the fourth veto, at a cost of \$13,500. This morning I made a little research on what happened when the good gentleman went to Cincinnati, Ohio. He left one night on August 10th to go to Pittsfield, Massachusetts. It took an hour and fifteen minutes, went from Pittsfield, Massachusetts to Cincinnati, which took three hours and twenty minutes. On the eleventh, came back to Augusta in four hours and thirty minutes at a cost of the taxpayers' money of \$1,350 to campaign for President.

Now I have been here five months, I haven't seen anything that the good gentleman from the second floor has done but campaign for President. He hasn't brought any new industry into the State of Maine. The employment rate in the State of Maine is worse than it has ever been, and he is telling us that we are spending the taxpayers' money while he is doing this. I believe it is about time we tell the people in the State of Maine, give them the message, because after we leave here in two or three weeks, he is going to have the place all to himself and you can see what is going to happen. I thought today I would say my little thing.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I didn't really intend to speak on this subject. I feel, though, that I should say one thing.

I intend to vote today to override the Governor's veto on this, but I do feel that the remarks of the gentleman from Solon are a little bit intemperate. I don't want to vote to override the Governor's veto on any such reasoning as that. I think we do it because we believe in this House it is the proper thing to do because the majority felt that it was a proper law, and on that basis, I shall vote to override, but I certainly don't want to associate with remarks such as those made by my good friend from Solon.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would somewhat join the remarks of the gentleman from Nobleboro, Mr. Palmer.

As far as I am concerned, if His Excellency wants to take a ride in the plane that belongs to him and that we bought for him, he is in command of that, is perfectly all right with me, particularly when it goes to visit his lovely daughter Sue. He rides all over the state in the state car that we bought for him, and that is perfectly all right with me, and I am certainly not going to take issue with the number one citizen of the state, and if he travels, I want him to travel first class.

However, where I probably might divorce myself temporarily with my good friend from Nobleboro, Mr. Palmer, and more temperately side in possibly with my friend from Solon, Mr. Faucher, is this. You know, I saw for three months the Cost

Management Survey waived -- if you elect me, I will save a quarter of a billion dollars. To start saving a quarter of a billion dollars, here is a communication from the Governor. That cost a little money to print 200 of these. Here is another communication, word for word, item by item, signed by the same gentleman. There isn't a comma that is different. This runs into money, and this is consistent, but the real basic reason why I am on my feet is this, because I went to a meeting last night of some of my good party members and Representative Lynch happened to be there and this question of vetoes came up and they said to me, you know, that we people, the Democrats, this was a Democratic meeting — what are you doing, you are taking advantage of the Governor and I answered them promptly. I said, it is the other way around, he is goading us.

The Governor knows very well that that paragraph that was put in there was put in there to deliberately force us to override the veto so that then his staff or he could go around saying that we are taking advantage of him. If you read every one of his vetoes, including this one, there isn't somewhere along the line a line or a page or a paragraph that doesn't indicate that we are being goaded into doing what I am doing now. The only thing is that I want to cut out doing it.

I spoke to the Speaker today, and as you know, there is nothing that ever starts to shoot me off any quicker than when I get the silent treatment at home and that is what I would like to do here on these vetoes. Let's override them and let them go at that.

My advice to the gentleman from Solon, Mr. Faucher, who is a very good friend of mine, two pieces of advice, the first one is this: Don't worry about when we leave here and the press. If he is right, they will give him credit; if he is wrong, they will nail him. And if he is right, he should do what I do, he should buy 125 copies and distribute them to his friends and if he is wrong, he should keep his mouth shut.

Now, then the press goaded him about taking a trip to visit Susan, if he had kept his mouth shut about it, everything would have been all right, but he becomes part of the deal by answering them.

I will tell you how to answer a newspaper man. There is my good friend Pat Sherlock over there in the corner. If Pat Sherlock had blasted me, I would keep away from him for about two weeks, then if I saw him in the corridor walking around, I would say, gee, Pat, glad to see you, I thought you had left a month ago, that is the way to answer the press.

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

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Cote, Cox, Curran, P.; Curran, R.; Curtis, Doak, Drigotas, Dudley, Durgin, Farley, Faucher, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hobbins, Hughes, Hutchings,

Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Smith, Snowe, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Call, Conners, Connolly, Dam, Davies, DeVane, Dow, Dyer, Farnham, Finemore, Garsoe, Gray, Hewes, Hinds, Hunter, Immonen, Kany, Leonard, Lewis, Littlefield, Lovell, Perkins, S.; Pierce, Shute, Silverman, Snow, Spencer.

ABSENT — Carey, Cooney, Fenlason, Lewin, Lizotte, Mackel, Martin, A.; McBreairty, Susi, Webber.

Yes, 112; No, 28; Absent, 10.

The SPEAKER: One hundred and twelve having voted in the affirmative and twenty-eight in the negative, with ten being absent, the veto is not sustained.

Sent to the Senate.

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

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

An Act to Provide for Reimbursement of Court Appointed Attorneys for Reasonable Disbursements Made on Behalf of their Clients (H. P. 1265) (L. D. 1631)

Tabled — May 22, by Mr. Rolde of York.

Pending — Consideration of the Governor's veto.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and I was kind of amazed the other day when I received the veto message.

I talked with the Governor's Office this morning and this afternoon, explained what my bill did, what the intent was, etc., got them to thinking a little bit and they have been operating on the wrong information and so indicated to me. As a matter of fact, one of the staff members made a personal observation and I would enforce the idea that it was his own personal observation that helped I did all right on it.

The Governor operated on the basis that it would cost additional funds of \$78,000 and he arrived at this figure by taking — well, I suppose I should explain exactly what the bill does.

The bill was brought to me and it said this is a very uncontroversial bill and it will correct an inequity in the district court system that is now present and will make it go along with the way the superior court system is presently being run. It gets complicated when I try to explain it.

If I were an attorney and I was appointed by the court to represent a person that could not afford to pay, this person is guaranteed, under the rights of the Constitution, an opportunity to subpoena witnesses and if this person needed to have two witnesses and one of them could be gotten by going down to the district court and the witness was a stable person who doesn't move from town to town, etc., we would issue a subpoena through the district court and the cost of paying that witness and the sheriff's fees

would be taken care of by the district court, no problem whatsoever.

However, if you have an illusive witness, a witness that is a transient, who is moving here and there and everywhere, and is hard to nail him down and on a weekend my client comes to me and says that Joe Doak is over here in the Mom's Boarding House and we can subpoena him right now and take care of it and you can't get hold of the district court clerk, me, being a lawyer, would make out the subpoena papers, take the papers to the sheriff. At the time I give him the papers, I have to pull out of my pocket the expenses of the witness for paying him and his travel; otherwise, he does not have to appear in court. There is no way of reimbursing me for those out-of-pocket expenses when I have to do that. Now, if I had time to go down to the court, the court would do it. It is going to amount to \$500 in a year across the entire state; 99½ percent of the time it is taken care of in the courts and it has to be approved by the judge. It is a very innocuous bill but it corrects an inequity.

The Governor took the figures of all of these cases last year, all of them, multiplied it times \$20 — he didn't actually do it, but this is the information he worked on, and came up with a \$78,000 figure. This \$78,000 is what was spent last year and it was spent in the district court fund; it is going to be spent this year if they have that many cases. He is operating on wrong information, so I would like to override this veto.

There is one point in the bill that I would like to clear up and that is where it says that the State Treasurer will pay these additional funds to have it say that the State Treasurer will pay from the district court fund these additional funds. I talked with the chairman, both the House and the Senate Chairmen of Judiciary and they have said that they would be happy to take it in under the Errors and Omissions Bill and that would take the gray area out of that portion of the bill.

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

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Bustin, Byers, Carroll, Carter, Chonko, Clark, Connolly, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Durgin, Farley, Faucher, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lovell, Lunt, MacEachern, Mahany, Martin, R.; Maxwell, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Birt, Burns, Call,

Carpenter, Churchill, Connors, Cote, Curtis, Doak, Drigotas, Dudley, Dyer, Farnham, Finemore, Garsoe, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jacques, Lewis, Littlefield, Lynch, MacLeod, Morton, Peterson, P.; Rollins, Shute, Silverman, Tozier.

ABSENT — Albert, Carey, Cooney, Fenlason, Kauffman, Lewin, Lizotte, Mackel, Martin, A.; McBreairty, Susi, Webber.

Yes, 103; No, 35; Absent, 12.

The SPEAKER: One hundred and three having voted in the affirmative and thirty-five in the negative, with twelve being absent, the veto is not sustained.

Sent to the Senate.

(Off Record Remarks)

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

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

Tabled — May 22, by Mr. Kelleher of Bangor.

Pending — Motion of Mr. Call of Lewiston to Indefinitely Postpone.

Thereupon, Mr. Call of Lewiston withdrew his motion to indefinitely postpone.

The "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (S-155) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading the next legislative day.

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

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)

Tabled — May 22, by Mr. Rolde of York.

Pending — Passage to be Engrossed.

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

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

House Amendment "A" to Committee Amendment "A" (H-461) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, I move this matter be tabled for one legislative day.

Mrs. Berube of Lewiston requested a division.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that this matter be tabled pending the adoption of House Amendment "A" to Committee 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.

47 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

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

House Divided Report — Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-441) — Minority (4) "Ought Not to Pass" — Committee on Marine Resources on Bill "An Act to Regulate Certain Oil Carrying Vessels in Maine Waters." (H. P. 723) (L. D. 900)

Tabled — May 22, by Mr. Mills of Eastport.

Pending — Motion of Mr. Greenlaw of Stonington to Accept the Majority "Ought to Pass" as amended report.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: The Bill before you today which was heard before the Marine Resources Committee may become one of the most important bills which the 107th Legislature enacts. It has not received a great deal of publicity, but it did have a lengthy hearing with many opponents as well as proponents. The bill addresses itself to safety requirements of supertankers transiting Maine waters. The entire content of the Bill is contained in Committee Amendment "A" (H-441).

I would like to describe the Bill for you in a few short remarks. Applicability — the Bill only concerns itself with oil tankers with a cargo capacity of 115,000 deadweight tons. The committee amended it upward to grandfather the "Imperial Ottawa" which is registered at 112,000 deadweight tons. The "Imperial Ottawa" carries crude oil into Portland Harbor for the Portland pipeline. I might indicate that it is my understanding that this supertanker cannot transit Portland Harbor fully loaded because its draft exceeds the minimum depths of Portland Harbor. No other supertankers approaching that size discharge petroleum products in Maine ports. The safety features which the Bill requires are as follows: (1) Segregated ballast design incorporating a double bottom throughout the cargo length — this means that the ballast design must be separate from the cargo capacity. Tankers without a segregated ballast system discharge sea water used for ballast from oil cargo holds before entering a port to pick up products. Segregated ballasts would preclude pollution resulting from sea water ballast discharge. Double bottoms remove the oil cargo from the immediate hull surface thereby representing a factor of safety in the event of grounding incidents. (2) A properly installed and maintained flue gas inerting system, this safety requirement goes hand-in-hand with double bottoms. The purpose of an inerting system is to reduce the oxygen level by filling all cargo tanks with an inert gas. The inerting system will preclude the possibility of explosions resulting from collection of gases in the cargo tanks. (3) Finally, one of the following, a lateral control mechanism such as lateral thrusters, or twin screws, or continuous and adequate tug assistance. This provision is included to provide adequate control and maneuverability of supertankers transiting coastal waters amongst islands and in harbors.

It appears to many of us that a refinery will some day appear in Maine. That day, without a doubt, is quickly approaching. I think that we all agree that we want to

provide the maximum amount of protection for Maine's coast and its valuable marine resources. A majority of the committee believes very strongly that the measures set out in this legislation for supertankers are important steps in providing the maximum amount of protection possible to prevent an oil spill disaster.

The Attorney General's office at the request of the bill's prime sponsor, the gentleman from Kennebunk, Mr. McMahon, has addressed the constitutional issues and has given the legislation a constitutional clean bill of health. Arguments will be made by opponents of this bill that the passage will preclude supertankers from entering Maine ports. I ask you to disregard those arguments as misleading and not true. The additional costs of construction associated with this bill are by no means excessive or prohibitive. Double bottoms which would be the biggest expense would add no more than 7-9 percent to the total cost.

I would respectfully ask you to give the majority report your wholehearted support. Mr. Speaker, when the vote is taken, I would request a roll call.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Let me say at the outset that we are talking about Committee Amendment "A" to L. D. 900 under filing number 441. This is, in effect, the bill we are discussing. Secondly at the outset, I am probably going to give one of the longest speeches that I have given and I apologize for that in advance. I don't like to talk and I certainly don't like to talk a long time. I would say at the outset that I have drawn my comments from several sources, source materials and they include the booklet, Tankers and the Ecology by Virgil F. Keefe, and the Engineering Computer Study from the Engineering Computer Economics in Arnold, Maryland.

I was prompted to sponsor this bill because of my concern for our marine environment and the effect an oil spill can have on it. Ecology is that branch of biology which deals with the mutual relationship between organisms and their environment. The oceans cover some 70 percent of the earth's surface and comprise some 140 million square miles of water. The oceans contribute to the ecological balance in a most important way by providing a base for the world's hydrologic system, including the life support media for marine life which is a major source of protein to man.

As our technology has become more sophisticated and more petroleum dependent, the incidences of oil pollution have increased and have become a greater threat to our marine environment. Between 1938 and 1970, world production of oil has increased over seven times.

Marine pollution has already seriously damaged the environment. Shellfish have been found to contain a variety of pathogens, commercial shellfish beds have been closed because of pollution. Beaches have been closed for recreational use. Lifeless zones have been created in places in our oceans, and there have been heavy kills of fish and other organisms due to marine pollution.

Oil may damage or kill fish or shellfish in several ways. It can kill them by coating their epithelial surfaces, by contact poisoning by toxic hydrocarbons present in oil, and by exposure to water soluble toxic

components of oil at some distance from a spill.

Waterfowl are attracted to oil slicks and when they dive into the oil, their feathers become oil soaked. Waterfowl in this condition usually perish due to exhaustion, starvation and exposure.

Oil can also be toxic to aquatic plants and may interfere with the natural processes of aeration and photosynthesis.

The bill before you proposes that tankers larger than those now normally transiting our waters be required to have certain safety features, none of which should be considered extraordinary or unproven.

Oil enters the sea in several ways. One way is by deliberate pumping overboard of oily ballast water, slop which results from tank cleaning, and dirty bilge water. IMCO (Intergovernmental Maritime Consultative Organization, an agency of the United Nations) has started in motion regulations which should sharply reduce this source of contamination, the weak link in the enforcement procedure is that infractions can only be reported to the country where the offending ship is registered. It is reasonable to expect good cooperation in this area among the major maritime nations, who are more than well aware of the damage being done to their own waters and shores. But with "flags of convenience" it is quite another matter. The very reason that so many ships are registered in these small countries is to escape regulations and responsibility.

Another way that oil enters the sea is as a result of tanker casualties, the fires, explosions, groundings, structural failures, breakdowns, and collisions which happen with such alarming frequency. While these are all accidents, most of them could be prevented, as various inquiries have clearly shown. As long as there are no effective safety regulations for tankers, their owners will not voluntarily reduce their profits to pay for safety features, and the people will continue to pay for the accidents.

The VLCCs, or supertankers, constitute the most economical form of transportation ever devised by man. Economy has the top priority in their design, construction, maintenance, and operation. Their defenders like to point out how these economies are reflected in lower prices for gasoline and oil. But they ignore the fact that tanker owners have been making the most sensational profits in the history of the world.

The average citizen has no vested interest in higher profits for the international oil industry, but he has begun to show great concern for the future of the oceans and shores, and all the benefits they provide.

The United States already has some unilateral regulations. The U.S. Coast Guard has the authority to stop a leaking tanker from coming into a U.S. port, and they used it in the case of the "Athenean Star" which attempted to come into Portsmouth, N.H., in February 1975, leaking fuel oil.

If we already have the authority to stop a tanker, regardless of its country of registry when it is leaking oil, it is only a logical extension of the same thinking to suggest that we pass new legislation to keep out tankers which are most likely to spill oil.

American flag ships, operating under fairly rigid safety regulations, have a record of spilling less oil than the unregulated ships. In fact, ships registered in some countries spill as much as 20 times, as much oil as the American ships, even,

though many of these ships are paid for, directly or indirectly, by Americans.

In conclusion, I wish to assure the members of this House that this bill is in no way designed to stop oil from coming to Maine. It is aimed at the day when we might have such refineries or off-shore drilling or off-shore unloading here in Maine and it is an attempt to make sure we don't have the likelihood of major oil spills such as have occurred in other parts of the world.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question. Does this apply to vessels going through Maine waters but to Canadian ports, or are we just speaking of American ports?

The SPEAKER pro tem: The gentlewoman from Auburn, Mrs. Lewis, poses a question through the Chair to anyone who may answer if they so desire.

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

Mr. McMAHON: If the bill is enacted in its present form, it would apply to any vessels that come within the jurisdiction of Maine, Maine's jurisdiction, for it is any of these large vessels that could leak the oil.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: There are several members on both sides of the aisle who I believe want to speak on this issue and they are not here today for various good reasons, and I wonder if this could be tabled for two legislative days out of fairness to them?

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

Mr. BUSTIN: I move this lie on the table for two legislative days.

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

Mr. GREENLAW: Mr. Speaker, I request a division, please.

The SPEAKER pro tem: The Chair will order a division. Those in favor of tabling for two legislative days will vote yes; those opposed will vote no.

A vote of the House was taken.
68 having voted in the affirmative and 49 in the negative, the motion did prevail.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would thank the gentleman from Dover-Foxcroft, Mr. Smith, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr. Smith to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

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

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

Tabled — May 21, by Mr. Carpenter of Houlton.

Pending — Motion of Mr. Call of Lewiston to Indefinitely Postpone Bill and Accompanying Papers.

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

Mr. MAHANEY: Mr. Speaker, Ladies and Gentlemen of the House: The good

man from Lewiston, so graciously withdrew his indefinite postponement motion on Item 1, which I think was more important to the dog people and lovers of pets and this Item 4 L. D. 1630, we are willing to accept and go along with his motion to indefinitely postpone this bill.

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

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

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

Tabled — May 20, by Mr. Rolde of York.
Pending — Adoption of House Amendment "A" (H-315) to Senate Amendment "A" (S-120)

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

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

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

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

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

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

Pending — Passage to be Engrossed as amended.

On motion of Mr. Usher of Westbrook, under suspension of the rules, the House reconsidered its actions whereby Senate Amendment "A" was adopted and on motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

On motion of Mr. Usher, of Westbrook, under suspension of the rules, the House reconsidered its action whereby House Amendment was indefinitely postponed.

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

The same gentleman moved that this bill be passed to be engrossed as amended by Senate Amendment "B" and House Amendment "C".

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: In House Amendment "C", it still gives the distance of 500 feet. I understand the amendment was to bring this to 200 feet.

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

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

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

Tabled — May 21, by Mr. Rolde of York.
Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-150) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading the next legislative day.

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

An Act to Include Procedures Performed by Dentists and Dental Hygienists under Health Insurance Policies and Health Care Contracts which Pay Benefits for those Procedures if Performed by a Physician. (S. P. 136) (L. D. 440)

Tabled — May 21, by Mr. Norris of Brewer.

Pending — Passage to be Enacted.

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

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

Senate Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Education on Bill "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools." (S. P. 476) (L. D. 1609)

Tabled — May 21, by Mr. Farley of Biddeford.

Pending — Acceptance of Majority "Ought Not to Pass" Report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Without going into debate on this for a long time, I would just like briefly to explain again what the purpose of this bill is.

If this bill were to be enacted, it would require that all schools, through their existing guidance counselor system, have a job placement, a job development system, and the purpose of that is to aid kids who when they graduate from high school do not intend to go on and further their education, either at VTI school or college. It would help kids learn how to apply for a job, how to fill out an application, how to conduct an interview, how to use a job bank, where to go to apply for a job. Again I would like to point out that the major objection of people who oppose the bill, I would first like to explain that they all agree with the concept, but their objection is that it is going to cost some money.

I would like to point out that yesterday in conversations that I have had with people from the Department of Education, they told me first of all that guidance counselors across the state had a meeting last week in Bangor and they agreed completely with the concept of the bill and would hope that it would pass saying that they felt that they needed some kind of mandate that would enable them to spend time carrying out the intent of the program and, also, people from the Department of Education told me yesterday that they have money in the Department of Education and also through an in-service training program at the University of Maine that they are just waiting so that as soon as this bill passes they can use to implement it.

In the Department of Education's opinion, passage of this bill would not

result in any expense whatsoever to implement the purposes, and I would hope that you would oppose the motion "Ought not to Pass" so that we can accept the "Ought to Pass" motion and enact this bill. It seems to me that the point is that our schools should place as much emphasis on helping kids who don't intend to go on to college as they now do for kids who are going to go to college. I would hope you would defeat the motion "Ought not to Pass". I ask for a division, Mr. Speaker.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I just simply want to say that I concur with what we have just heard. It seems to me the guidance people have spent a large part of their time on students who are going to college and they haven't spent enough time with others and I hope this might give the guidance people a chance to help that large number of people who need a job.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Simply to brief you that while it has been said that it will not require any money, the school that appeared at our hearing, Mount Ararat, said it would not cost any money or did not cost any money to implement this program but they hired the personnel one month before they implemented the program, so naturally it didn't take any more help, they had it on hand. Kenneth A. Foster, Regional Vocational-Technical Center, George Willette said, "More importantly we have learned that we could conduct this program without additional personnel or money," but this is a vocational school, and a rather small student body.

If you look at the bill, it says each school board shall, prior to January 5, 1976, adopt a school plan to insure that job development, career placement and follow up services are provided for all students graduating from or leaving each secondary school. It also says that on or before October 1, 1976, each public secondary school will establish and maintain job placement, development placement and by October 1, 1977, establish follow-up services for all students graduating or leaving the public school system.

Job development service means informing business, industry and other agencies and institutions of career placement and follow-up service, locate and inventory jobs through community contacts and activities and assist business and industry in creating new jobs to better mass the ability, attitude and career plans of the graduate and leaver.

Career placement services shall be established by October 1, 1976, in designed to provide placement assistance to school graduates or leavers. Educational services, the information to students — and then the follow up services shall be established by October 1, 1977.

All of this means that somebody is going to have to do some work. Somebody is going to have to keep some records. Somebody is going to have to leave the school system and go out and do much of this work. I doubt very much if it is going to be done without any additional cost. When you go home and your superintendent says, "Where is the money

for the program that you have mandated," I hope you do have the answer.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I was originally approached at the beginning of the session to sponsor this bill. I read over the bill and explanatory material that came with it. I couldn't quite figure out myself how this program is going to operate without any fiscal note on it. Although, like everybody else I agree with the concept and probably not enough is being done to place kids out of high school that do not go on to post-secondary education.

I sent this around to several people in the education field, including my school superintendent, who I never heard from, but I did get a response back from the associate commissioner of vocational education. He says this, "This piece of legislation will cost the state money. There will be a need for 25 regional career facilitators, and a local career facilitator at each public secondary school, either on a full or a part-time basis. The way this legislation is written, each school board prior to January 5, 1976 shall prepare a school plan to insure these services that will be provided to all students graduating from or leaving the secondary schools." He suggested a detailed analysis on what it will cost the state to enact this legislation so that these services might be delivered and then he goes on to talk about the area of enforcement and he says, "I am wondering what will happen if each secondary school system does not comply with the law," supports the concept but he wants it clearly understood it will cost money.

The Commissioner of Education, Sawin Millett, said the same thing on April the 8th. His comment was that the concept of secondary schools providing a comprehensive service in the areas of job development, career placement and follow up is an ambitious one but is an idea of considerable merit. As is often the case, the primary obstacle would be the availability of funding. I am neither for or against the bill but it does seem entirely possible that it will cost quite a bit of money.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to belabor the point because I am going to say almost the same thing that has been said before. I have asked Mr. Garside to get some figures for me and I got a note from him today he said I checked this with Chester Booth in Education; he is unable to come up with a firm figure but says it will very definitely be a substantial amount. This is a very expensive program.

I think most of us agree that it is a good program, but it is another instance of mandating a program on the local level without giving any funds to cover it, so something is going to have to give. We put a lid on the cost of education and the only way this could possibly be done would be through leeway and of course if the city takes advantage of leeway, it automatically increases the cost of education.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I am in a little bit of a quandary on the cost of this bill because of the fact I just received a call from my guidance counselor who is very anxious for the bill to pass. There is no chance of them getting any more money this year. So as far as my school system is concerned, it is very possible that the course was not included.

This is a much needed piece of legislation. A great many young people in the state are now out of work, are unable to find jobs, and I think that it could be operated, even if it was operated on a smaller scale than might be required over the years. But I certainly would urge you to give this bill its first reading and go on its course. Then if anything else comes up that we can ascertain definitely that it is truly a very expensive bill, we can act on it at that time.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Whether this bill passes or not doesn't mean that a school can't use this program. There are quite a few schools in this state that actually are doing job placement and follow ups. So there isn't any prohibition against this program whatsoever. It is just that if we mandate it, then we are building in a cost.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: Along this line, I have just been dealing with the Commissioner of Health and Welfare on a couple of bills which have an appropriation on them which we thought could be funded with federal funds and would not need a state appropriation. It is the opinion of the Commissioner and the Attorney General assigned to his office that if we pass legislation that requires money and do not fund it, the legislation becomes meaningless and that they are not required to do anything. I don't have an official opinion on this, but that is what they were telling me about a couple of other bills that I have.

The SPEAKER: The Chair recognizes the gentleman from Wallgrass, Mr. Powell.

Mr. POWELL: Mr. Speaker, Ladies and Gentlemen of the House: I am for this bill; it is a good bill. We heard representatives of industry in the committee hearing, without exception they were for it and they enjoyed working with these 60 percent of the so-called underprivileged kids. I think what has got to be done here is not spend a lot of money but just tell the guidance people to change their direction a little bit, instead of working for just the college-bound kids, let's help those 60 percent at the bottom that everybody forgets about.

I have something right here, the Kennebec Journal of yesterday, and it shows how they are doing it in Gardiner. If anybody wants to check back, they are doing it with CETA funds and it is working like a charm. They have got a hundred kids signed up already for working outside the school in industry. It doesn't conflict with employment laws or anything else, and it is a great program. He expects to get 300 in a very short time, and it has just started. The Gardiner Area High School and the guidance director are crazy about this, and that is what they are doing it with

there. Let's not knock a thing like this out when it can do some good for our kids without spending any money. We don't have to spend money on this.

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I hope this afternoon this House will accept the "ought to pass" report. Before me I have some startling figures, I am sure many of you have read them, about the number of students we have in Maine who leave Maine public high schools prior to graduation. In 1973-74, close to 3,800 of these students left school before graduation. Of the 14,000-plus high school students from June 1974, 40 percent were enrolled in some type of post-secondary education, while 60 percent were eligible for work.

I think this piece of legislation is needed to help the 60 percent of the people who cannot decide, or cannot, because of talent, further their education. I think this state should establish a comprehensive job development and placement service and I think that this legislature should demonstrate our concern by passing this legislation so that the guidance counselors of our state will know where we feel our direction should go to.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I rise again today because we have before us the same type of legislation we had yesterday, and it is local control. No one that I have heard thus far has been against the bill, or at least the concept of the bill. It is a fantastic idea, but I submit to you that you don't even know my school board in my town, you don't know the school board in Richmond, you don't know how competent they are, but in this piece of legislation, you are mandating on the state level, you are telling them they haven't got the ability or the mentality to institute this program in their schools. If it is needed, they can do it, they can do it at the guidance of the state if the state feels, or this legislature feels that it is in fact a worthy piece of legislation, and I agree wholeheartedly, but I don't think it is the right of this body, without funds or the right of this body whatsoever, to tell each school — for the most part, they are operating on their own money, their own tax dollars — that they, in fact, have to have this program. If it is worthwhile, they will pay attention to this piece of legislation. I will send it to all of my schools, and I will make sure they are made aware of it, and if it is worthy, I trust their mentality to put the program into their schools as best they can.

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

Mr. DOAK: Mr. Speaker and Members of the House: I will not take very long. The one thing that concerns me is that we have been talking about a program, we haven't seen a program, we have an idea. I like ideas and they are very well formed, but when we are buying something, I would like to see what I am buying, and we do not have a program before us which we can buy.

One other item in here that bothers me somewhat, being a member of the school board, is on page 2, it says the Commissioner of Education and Cultural Services shall develop and prescribe

regulations and guidelines by which school boards are to provide job development. Here we go again — more regulations, more decrees by bureaucracies in Augusta. I suggest we ought to kill this one.

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

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: It is with great trepidation that I rise to talk against local control, because those of us who have supported this bill have now become opponents of local control.

As I have been in the legislature just for a few months now, I have discovered that the quickest way to kill a bill is to say you are taking away local control. I have also discovered that when people come to the legislature to say "would you please see that this is done," it is because they have tried all other sources and they have failed.

Mrs. Lewis is right, guidance counselors can do this now. Mr. Leonard is right, they can do it on the local level now. But the sad truth is, they do not. I challenge you to talk to some of the students in these schools, even though the superintendents are telling you that this part is being done. I would like to share one letter that I received from the guidance consultant in the Department of Education. Another thing that has been leveled against this bill are the hidden costs, and I too was suspicious at first. No new funds are necessary for the implementation of this law, provided that the local unit already had personnel to carry out the functions called for. Most school systems have personnel employed to do this and those that do not certainly should have. I am informed, and I hope you will correct me if I am wrong, there are only 10 secondary schools in this state who do not have guidance counselors. The vocational department of our Education Department is quite willing to help those 10 schools.

The second point she makes, "According to my interpretation of the written L. D., there appears to be no hidden cost involved. The bill in essence calls for assistance to students in terms of future occupational placement for those students who are not college bound, or in other words, an equitable guidance counselling service to all students."

I urge you to support the minority report, the "ought to pass."

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those who voted for the "ought not to pass" and I am now informing you that I have reversed my thinking on that. I do it because I remembered reading somewhere that consistency sometimes is the hob-goblin of small minds, and I hope by not being consistent, you will give me a little bit of deference towards my better than petty mind.

I voted originally "ought not to pass" because as a member of the Regional Vocational Board, I thought that this bill was counterproductive, but I on thinking it over more carefully, I realized that those regions which cooperated with the high schools and where the students go to learn a trade are, in fact, dividing the attendance of that student. The student, in

other words, is half a day at the high school and half a day learning his trade, so that in either place, he can receive the counseling for job placement.

In addition, there are three types of students in the high school, if you recall. There is the one who is going on to college, there is the one who is enrolled in a vocational program, and there is another one about whom very little is talked about, this is the boy or girl who is simply marking time until he or she reaches 17 and may legally leave the school. This is the big "X" in our secondary school system. Very few people think about these children who seem to have no direction, they seem to be completely lacking in motivation sometimes, and many of them are completely operose in their attitude.

I have been in high school, and I have seen these kids who are marking time. They listen to a few things, they read some things, but they are not in a definitive program, and when they are 17 or 18 years old, some of them reach the point of receiving a program, they go out into the job market and the schools are very often called and inquire of the schools, what kind of a kid have you sent us? You know, he has a diploma, but he doesn't know how to do anything. Now, this is one type of student in high school who desperately needs this kind of a program, and I think there are enough guidance counselors, especially those who are, for example, working with the cooperative education program, who work between the high school and the vocational high school, who can put some of their time on this type of program, and I hope you show me the error of my original ways, or my original error, and vote for the "ought to pass" report.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: In view of the confusion as to the cost of this program, it might be wise to table this bill for a few days in order that we could investigate the financial end of the bill.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I am very sympathetic with the needs of this bill. This is something that we have long needed. However, it is absolute folly for us to go into a program like this without considering increasing the cost of education. We are dreaming if we think we are just going to stand here and require school departments to increase services, services which are now sometimes strained, without increased costs. We have just struggled through four or five months over an education measure hoping to get it settled and now we are mandating another service without funding it. What do you think is going to happen next January when we come back here?

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you all took in the letter the lady from Vassalboro read from the department. It says that it would be all right for those who have personnel now. It didn't say those who had counselors now and there is a difference.

Also, CETA programs have been mentioned and I think we ought to remember that these are only funded for a

short time and then they fall into the laps of the towns or schools or whoever uses them, so I would urge you to oppose this bill.

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

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

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

Mr. LYNCH: Mr. Speaker, aren't we voting on reconsideration? The bill had originally, or rather we had originally accepted the "Ought Not to Pass" and then the bill was held overnight?

The SPEAKER: The Chair would inform the gentleman that on May 19, we voted to reconsider. The pending question now is the motion accepted on that day of the "Ought Not to Pass" Report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Just so you can understand the arguments being proposed against this bill, it is that it would cost money and, therefore, we should not have the bill to implement the program.

There is disagreement over whether the bill would cost money or not. Let me explain to you that in the eyes of most people who support the bill, it simply is a question of reallocation or reemphasis of already existing resources within our high schools.

Pointed out by the letter that the gentlewoman from Vassalboro read, if there are already existing staff within the school system, it would not cost any money, and the existing staff that we say exists are guidance counselors and guidance counselors met last week in Bangor and said that they want the bill, that they need a mandate from somebody to tell them to carry out this kind of a program. They pointed out that in 1957, the Soviet Union sent the Sputnik up and after that, Congress passed the National Defense Education Act which mandated a large amount of money to be put into our educational system so we could send kids to college and since that time, it has been the educational policy of this country to prepare kids for college and not to do anything else about the kids who don't go to college and that is the point of this bill, to try to give some help, some guidance, some training to kids who won't be going to college, kids who will be going out into the job market when they graduate from high school.

I would point out that last year, 60 percent of all high school graduates in Maine did not go on to post-secondary education but either went out into the job market or are unemployed. For goodness sakes, look at the issue, and if it does in the future turn about to be a question of money, then I think everyone of us here has a responsibility to go back to our school boards and school committees and say, fund the program because it is worth it. Don't vote against this bill just because it talks about money.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I realize that it

has gotten very hot and we would like to be someplace else and not debating things here which sometimes seem not too important, but let me speak for just a moment about what this bill will mean.

One of the things that I have done as a job was to work with a lot of kids through the Concentrated Employment Program. We had a program that would provide these same kind of services at a much, much higher cost to the taxpayer.

What these services do is they make kids who are dropping out of high school, who were graduating without going on to college or some other kind of advanced training program, with some knowhow, some understanding of how the work world operates so that they have somewhere near a fair chance of getting a job, of understanding the processes that they have to go through to get those jobs and hold those jobs.

Now, why spend \$2,000 for each one of these young people that we put through a program like Concentrated Employment when we can utilize the facilities that are already in existence in all but 10 of our secondary schools in this state with personnel that exists in all of these school to provide these very same services?

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker, I have a question. If the guidance counselors in the State of Maine met and are interested in this program and desire to implement this program, why haven't they done so? There is nothing that interferes with any guidance counselor in any public school of this state implementing a program of this sort. It is being done in many local areas at the present time. Now, if the interest is there, they should go forward; if the interest is not there, you can't mandate it.

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 Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, in response to the question that was asked by Mr. Lynch, I would just point out that the people who set the policy for the schools are, first, the school committees and then the principals, and the policies of the school committees and school boards of this state and the principals of this state have been primarily directed towards getting kids into college, and guidance counselors don't feel that there has been enough pressure or enough influence or any sort of a mandate from the majority of school committees and principals across the state to implement this kind of a program.

The SPEAKER: A roll call has been ordered. The pending question is acceptance of the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Birt, Blodgett, Bowie, Burns, Call, Carroll, Conners, Curtis, DeVane, Doak, Drigotas, Dyer, Farnham, Finemore, Fraser, Garsoe, Gould, Gray, Henderson, Hennessey, Hewes, Hinds, Hunter, Hulchings, Immonen, Jackson, Kelleher, Kelley, Laverty, Leonard, Lewis, Lunt, Lynch, MacLeod, Maxwell, McKernan, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Rollins, Shute, Snowe, Sprowl, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Walker.

NAY — Ault, Bachrach, Bagley, Berry, P. P.; Berube, Boudreau, Bustin, Byers, Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cox, Curran, P.; Dam, Davies, Dow, Durgin, Faucher, Flanagan, Gauthier, Goodwin, K.; Greenlaw, Hall, Hobbins, Hughes, Ingegneri, Jensen, Joyce, Kany, Kennedy, Laffin, LaPointe, Lovell, MacEachern, McMahon, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Norris, Peakes, Pelosi, Peterson, T.; Post, Powell, Rolde, Saunders, Snow, Spencer, Stubbs, Talbot, Truman, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

ABSENT — Albert, Bennett, Carey, Cooney, Cote, Curran, R.; Dudley, Farley, Fenlason, Goodwin, H.; Higgins, Jacques, Jalbert, Kauffman, LeBlanc, Lewin, Littlefield, Lizotte, Mackel, Mahany, Martin, A.; Martin, R.; McBreairty, Mills, Rideout, Silverman, Smith, Susi, Tierney, Webber.

Yes, 57; No, 63; Absent, 30.

The SPEAKER: Fifty-seven having voted in the affirmative and sixty-three in the negative, with thirty 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 the next legislative day.

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

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

Tabled — May 21, by Mr. Finemore of Bridgewater.

Pending — Passage to be Engrossed.

On motion of Mr. Palmer of Nobleboro, retabled pending passage to be engrossed and specially assigned for Wednesday, May 28.

On motion of Mr. Kelleher of Bangor, the House reconsidered its action whereby 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, was indefinitely postponed.

On motion of Mr. McKernan of Bangor, tabled pending the motion of Mr. Faucher of Solon to indefinitely postpone and specially assigned for Wednesday, May 28.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Energy on Bill "An Act to Create an Independent Supervisor to Review the Construction and Initial Operation of an Oil Refinery." (H. P. 1433) (L. D. 1720)

Tabled — May 21, by Mr. Rolde of York.

Pending — Acceptance of either Report.

On motion of Mr. Rolde of York, retabled pending acceptance of either Report and specially assigned for Wednesday, May 28.

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

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Taxation on Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1055) (L. D. 1332)

Tabled — May 21, by Mr. Drigotas of Auburn.

Pending — Acceptance of either Report.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: Many signers of the report have notified me that they wish to change their committee vote because of a forthcoming amendment, so I hope someone would kindly ask that L. D. 1332 be tabled.

Thereupon, on motion of Mr. Rolde of York, tabled unassigned pending acceptance of either Report.

On motion of Mr. Stubbs of Hallowell, the House reconsidered its action of earlier in the day whereby Bill "An Act to Change the Participation of Employees in the Classified Service in Political Campaigns," House Paper 1041, L. D. 1331, was passed to be engrossed as amended.

On motion of the same gentleman, the House reconsidered its action whereby Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

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

House Amendment "B" to Committee Amendment "A" (H-478) was read by the Clerk.

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

Mr. NORRIS: Mr. Speaker, I would pose a question through the Chair to the good gentleman and ask him what this does. It is late in the afternoon. It is a great time to do things rapidly and pack up, but it would be a good idea to know what is going on.

The SPEAKER: The gentleman from Brewer, Mr. Norris, poses a question through the Chair to the gentleman from Hallowell, Mr. Stubbs, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. STUBBS: Mr. Speaker and Members of the House: Representative Henderson points out that the word situation was left out of House Amendment "A" to Committee Amendment "A" and in effect, House Amendment "B" to Committee Amendment "A" inserts the word "situation." It now reads, "For the purpose of this section, a conflict of interest shall mean a situation in which an employee's participation in the affairs of a municipality results in financial gain to him or members of his family other than any compensation paid to him as an officer of that municipality.

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

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

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

(Off Record Remarks)

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

Bill "An Act Providing that Spousal Consent to Voluntary Sterilization Procedure is not Required." (S. P. 485) (L.

D. 1615) — In Senate, Majority "Ought to Pass" Report read and accepted and the Bill Passed to be Engrossed In House, Indefinitely Postponed.

Tabled — May 21, by Mr. Higgins of Scarborough.

Pending — Motion on Mr. McMahon of Kennebunk to reconsider Indefinite Postponement.

On motion of Mr. Gauthier of Sanford, retabled pending the motion of Mr. McMahon of Kennebunk to reconsider and specially assigned for Wednesday, May 28.

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

Bill "An Act to Conform the Pesticide Statutes to Federal Law." (H. P. 1611) (L. D. 1890)

Tabled — May 21, by Mr. Churchill of Orland.

Pending — Passage to be Engrossed.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: There is nothing I hate to do any worse than to delay this session today any longer than it is.

I would like to call to the people's attention, and if anyone thinks this is going to be a debatable item, maybe someone would table it, but how many people realize what this pesticide control federal law is going to consist of. It is going to be, in regard to the State of Maine, to regulate the sale and application of commercial insecticides, fungicides, herbicides and other chemical pesticides. Also, the term pesticide means any substance or mixture of substances intended for prevention or destroying, repelling any pest, and any substance or mixture — I am not going to read too much of this.

Down in section 22, a private applicator — all of these people are going to have to be certified, they are going to have to attend a school of instruction for one day or whatever is necessary before they can be certified to use these pesticides. Also, in order to be an applicator, and this would mean anyone — I am not concerned about the large potato farmer or the large blueberry grower, but the little fellow with 20 acres or 10 acres, or whatever it might be, or even ourselves going to buy some of these pesticides, there is going to be 30 of these on the restricted list. The main thing that I object to, we don't know what these 30 are.

I heard this because I attended this, it was an occasion that I had to be in Washington this winter. They came in and tried to sell this to the legislators there. The legislators from California, Michigan and one or two other states absolutely refused to go along with these. I understand Michigan still won't buy this law.

I believe we can stall this off a little while. The Agriculture Department believes it can be put into effect and the schools can be given by the county extension service, but there still has got to be money for this schooling and instructions. It is just the same as some of the other things we go back home with, and the first thing you know, some little corn grower with 10, 15 or 20 acres is going to come, "well, I didn't know that I couldn't buy these," they probably will never hear of it until they go in to purchase some of these items. I think there should be a little opposition to this. If we are not going to oppose it, at least I think people should be

aware when some of these little farmers, blueberry growers and potato farmers know what is being crammed down their throats. This is getting more restrictive every day, not only on this but on every other rule and regulation that we — and they blame it on the legislature. They don't realize this comes from the federal regulations. Part of this bill is going to go into effect 90 days from the time we adjourn. This is the powers of the board over on page eight of this bill. This is going into effect in 90 days. The balance of this doesn't go into effect until October 1, 1976.

This seems to sail through and there seemed to be nobody really concerned about it, but I am concerned because I have two towns I picked up this last session that do quite a lot of farming, they do quite a lot of blueberry growing, and the next thing I know, I am going to get the blame for it and every one of you are going to do the same thing if you have a small farm in your area.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I guess probably any document that is as lengthy as this one and contains some of the words that this one does might terrify anybody. The particular one that the good gentleman is talking about was one that I had sponsored originally and has now been redrafted, and I wasn't too anxious to sponsor the bill originally, until I understood what it did. Therefore, I did agree to sponsor the bill.

I think Mr. Churchill's area of concern is a valid one, but I think what Mr. Churchill does not understand is that if we do not enact a bill of this nature, you will not be able to use a restricted pesticide in the State of Maine. That is what this bill does. It allows the small farmer to use a restricted pesticide by going to a — he mentioned a one-day training program of some sort, and that, I have been told, is just about what it will be, a one-day session.

I am not going to go much further with this because I don't think anybody is really too interested in it, but if you do have any problems with it, I would be happy to table it, work them out with whomever is concerned.

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

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

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

Tabled — May 21, by Mr. Dam of Skowhegan.

Pending — Passage to be Engrossed.

On motion of Mr. Rolde of York, tabled unassigned pending passage to be engrossed.

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

Bill "An Act Concerning Home Repair Salesman Licenses Issued by the Department of Business Regulation." (H. P. 1197) (L. D. 1493) (C. "A" H-366)

Tabled — May 21, by Mr. MacEachern of Lincoln.

Pending — Passage to be Engrossed.

On motion of Mr. MacEachern of Lincoln, tabled pending passage to be engrossed and specially assigned for Wednesday, May 28.

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

An Act to Specify which Activities on Lands Adjacent to Great Ponds, Rivers, Streams and Brooks Need Permits (S. P. 514) (L. D. 1876)

Tabled — May 21, by Mr. Palmer of Nobleboro.

Pending — Passage to be Enacted.

On motion of Mr. Morton of Farmington, tabled pending passage to be enacted and specially assigned for Wednesday, May 28.

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

An Act Relating to Retention of Certain Charges by the Register of Probate of Aroostook County. (H. P. 1056) (L. D. 1340)

Tabled — May 21, by Mr. Carpenter of Houlton.

Pending — Passage to be Enacted.

On motion of Mr. Carpenter of Houlton, tabled pending passage to be enacted and specially assigned for Wednesday, May 28.

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

Bill "An Act to Establish Purchasing Procedures for the Legislature" (H. P. 1595) (L. D. 1885) — In House, referred to Committee on State Government — In Senate, Indefinitely Postponed, in non-concurrence.

Tabled — May 21, by Mr. Rolde of York.

Pending — Further Consideration.

Thereupon, the House voted to recede from its action whereby this Bill was referred to the Committee on State Government.

Under suspension of the rules, the Bill was read once without reference to any committee and assigned for second reading the next legislative day.

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

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

Tabled — May 21, by Mr. Palmer of Nobleboro.

Pending — Acceptance of Committee Report.

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

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

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

Tabled — May 21, by Mr. Bowie of Gardiner.

Pending — Passage to be Engrossed.

On motion of Mr. Bowie of Gardiner, tabled pending passage to be engrossed and specially assigned for Wednesday, May 28.

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

House Divided Report — Majority (9) "Ought to Pass" — Minority (4) "Ought Not to Pass" — Committee on Marine Resources on Bill "An Act to Prohibit the Plugging of Lobsters." (H. P. 1075) (L. D. 1355)

Tabled — May 21, by Mr. Greenlaw of Stonington.

Pending — Acceptance of either Report.

On motion of Mr. Sprowl of Hope, tabled pending acceptance of either Report and specially assigned for Wednesday, May 28.

Item eleven was taken up out of order earlier in the day.

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

Bill "An Act to Allow Certain Nonprofit, Volunteer and Educational Organizations to Operate Games of Chance without a License from the Maine State Police." (H. P. 316) (L. D. 394) — In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-269) — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-269) as amended by Senate Amendment "A" (S-168), thereto in non-concurrence. — In House, Receded and Concurred (May 21)

Tabled — May 22, by Mr. Greenlaw of Stonington.

Pending — Motion of the same gentlemen to reconsider Receding and Concurring.

Thereupon, the motion prevailed.

On motion of Mr. Greenlaw of Stonington, the House voted to recede from passage to be engrossed.

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

House Amendment "B" (H-467) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Very simply, this adds an emergency preamble to the bill. It was our understanding that the other body was going to put it on; they did not, and now I think they are in agreement to add it. It just makes sense, it seems to me, that if we are going to exempt these nonprofit organizations from not having to get a license for a raffle that we make it an emergency measure, because most of these organizations operate their raffles during the summertime. I hope we can adopt this amendment.

Thereupon, House Amendment "B" was adopted.

Under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

Senate Amendment "A" to Committee Amendment "A" (S-168) was read by the Clerk and adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

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

Mr. Rolde of York was granted unanimous consent to address the House.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Today was veto day here. I don't know how long it has been since this body has had to deal with two vetoes in one day. However, I am rising now to talk about a third veto that did not come to us. This was a veto that was promised yesterday by Governor Longley of a bill, L.D. 672, that we have referred to as the Chlor-Alkali Bill. It is a bill that came unanimously from the Taxation Committee and it would have exempted the Sobin Chlor-Alkali Company of Orrington from sales tax levied on the electricity used in the manufacture of its products. The justification of the fairness of this bill in giving Chlor-Alkali equal tax treatment can be best described by the bill's sponsors, Representative Cox of Brewer and Representative Norris of Brewer and also by members of the Taxation Committee, but the point can be

made that there was no objection to the bill.

Also at stake was the possible doubling in size of the Chlor-Alkali facility in Orrington and, in fact, to continue in existence of the present plant itself, because the imposition of this sales tax causes a severe, competitive problem to the company. In addition, the company, because it is in the area served by the Bangor Hydro Company, pays an extremely high rate for electricity, approximately 23 mills. Only four miles away is the Central Maine Power Company area, where the same electricity would cost approximately 11 mills.

Today, May 23, officials of the company are meeting in both Chicago and Fredericton, New Brunswick, to decide the future of the company and of the Orrington facility. In New Brunswick, officials are negotiating for a site on which to possibly erect a new facility. In Chicago, the highest officials of the company were and are waiting for news of what action the Maine Legislature will take.

The bill has been on the Appropriations Table for some time. If you will bear with me, I would like to give you the following chronicle of events.

Monday of last week, Monday the 12th, leadership discussed this with the Governor as to what his action would be if the bill were taken off the Table. He asked for time. On Friday the 16th, they met with him again, and again they received no definite answer as to what position he would take if the bill came off the table. That Friday he went to Orrington to visit the facility. The following Monday, the 19th, the leadership again approached him about taking the bill off the Table. He asked them not to take that off and to give him some more days to consider it. On the 21st, the bill was finally taken off the Table and on the 22nd, which was yesterday, the Governor said he would veto the bill. I will remind you again that today is the 23rd and the day that the company's officials are meeting.

We expected to have the veto message today when we could act upon it and take some action. At 12 o'clock today, we asked whether we would receive that veto message or not. At 1:30, we still did not have an answer. A short time ago, a message was received that the veto message would not come to us today and there would be no way in which we could take any action while the company's officials were meeting in Chicago and in New Brunswick. A short time ago, the Speaker tried to reach the Governor to receive some response as to what action he would take and we are still waiting for a response. The only response that we have had is that the Governor would be back here between six and six-thirty and would be pleased to meet with the Speaker and the President of the Senate.

So, we are thus in a position where we are preempted from taking any action whatsoever on this bill that might indicate to the company officials just how Maine would regard them.

Governor Longley campaigned on a promise, though he campaigned in the best professional political fashion on many promises, but one of those promises was to put an end to government by crisis. Now, when a section of our state stands in jeopardy of losing an important industry, when a potential industrial expansion that could create hundreds of construction jobs stands even more in jeopardy, I can only stand here on behalf of the leadership and

condemn this manner of vacillation and indecision that has led us to this impasse and to apologize to the officials of the Sobin Chlor-Alkali Company for the treatment that they have received at the hands of our Governor and to assure them that we in the legislative leadership are willing to make every effort to keep their company and the jobs that it provides, and that could provide, in our state at a time when the Maine unemployment rate is unacceptably high.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I am sad in two ways in saying the few remarks I have to here now, sad, first of all, that this May 23, which was to be a good day perhaps for Maine, when we could have given this company some notice of our intent and the notice probably would have, we are not sure, but probably would have resulted in at least a doubling of the plants size in Orrington of 60 new jobs and perhaps untold more jobs because of fanning out of services which this plant would require. I am saddened because of that; I am saddened also because I have to be critical of the Governor at this time.

Yesterday morning, with the Lincoln County delegation and with the Oxford County delegation, we had our breakfast doughnut and coffee meeting with Governor Longley. We had a very pleasant time and among the things we talked about that morning was the big problem we have here in Maine in attracting industry and in creating new jobs. I recall the Governor saying to me and to the group that he was spending one day a week of his time, and perhaps even more now, going out and promoting Maine, and I commend him for that. I think it is a wonderful thing, and I said when he was first elected that I thought perhaps we had in Governor Longley a governor who really was going to do something terribly constructive in bringing more jobs, in bringing more industry into our state. So, he said he was working one day a week on promoting that, and I applaud that. At the same time, he said as he went around the country talking to industry to try to get them to come into Maine, he found, much to his sadness, that many people think that Maine is anti-business, and it was referred to, I think, primarily because of some of our environmental laws, but also there were other reasons they had for thinking that Maine was not interested in having new business come to our state.

I am therefore saddened, and I will close with this, that the Governor should spend one day a week on the road promoting and trying to bring business in and yet would let this 23rd deadline slip by. You may notice this afternoon in the confusion, and I apologize for some errors that perhaps I made in that confusion, that we were in the Speaker's office trying to contact the Governor, trying to do something with the officials of Sobin Chemical so that we could give them an answer today, because this was the deadline and everyone knew it was the deadline. As far as I am concerned, I believe today is a sad day and we have lost perhaps the opportunity of having 60 to 120 new jobs and a firmer tax base for Maine. I am sorry for that and I am sorry we had to end this week in that fashion.

Mr. Garsoe of Cumberland was granted unanimous consent to address the House.

Mr. GARSOE: Mr. Speaker, I wanted to rise to move that we suspend the rules in order that this body may put on that board a vote on my motion that we indicate our support for L.D. 672.

(Off Record Remarks)

On motion of Mr. Rolde of York,
Adjourned until Tuesday, May 27, at ten
o'clock in the morning.