

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

Tuesday, May 27, 1975

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

Prayer by Rev. Dr. Sidney E. Dee of South Portland.

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

The journal of the previous session was read and approved.

(Off Record Remarks)

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Increase the Veteran's Property Tax Exemption" (H. P. 1174) (L. D. 1172) ask leave to report: that the House recede from its action whereby it passed the bill to be engrossed as amended by House Amendment "D", indefinitely postpone House Amendment "D", adopt Committee of Conference Amendment "A" (H-490) and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" (H-490), that the Senate recede from its action whereby it passed the bill to be engrossed as amended by Senate Amendment "B", indefinitely postpone Senate Amendment "B", adopt Committee of Conference Amendment "A" (H-490), and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" (H-490).

Signed
Messrs. CAREY of Waterville
FINEMORE of Bridgewater
MULKERN of Portland
-of the House.
Messrs. MERRILL of Cumberland
COLLINS of Knox
-of the Senate.

Report was read.
On motion of Mr. Finemore, the Report was accepted.
The House voted to recede from its action whereby the Bill was passed to be engrossed, recede from the adoption of House Amendment "D" and indefinitely postpone same.

Conference Committee Amendment "A" (H-490) was read by the Clerk and adopted.

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

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on **RESOLUTION**, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature (H. P. 1510) (L. D. 1827) ask leave to report: that the House recede from its action whereby the bill was passed to be engrossed, adopt Committee of Conference Amendment "A" (H-491) and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-491); that the Senate recede from its action whereby the bill was passed to be engrossed as amended by Senate Amendment "D" (S-95), indefinitely postpone Senate Amendment "D", adopt Conference Committee Amendment "A" (H-491) and pass the bill to be engrossed as

amended by Conference Committee Amendment "A" (H-491).

Signed
Messrs. COONEY of Sabattus.
SUSI of Pittsfield
GREENLAW of Stonington
-of the House.
Messrs. GREELEY of Waldo
ROBERTS of York
DANTON of York
-of the Senate.

Report was read.
Mr. Cooney of Sabattus moved that the Report be accepted.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: During the discussion we had on this particular amendment of the Constitution in the House, there was a good deal of opposition to it, probably enough to keep it from being enacted. Mainly most of the opposition was to attempt to find some reasonable way of putting language into the Constitution to govern the various sessions.

Some of the amendments that have been proposed are not too bad; some of them I guess probably I could accept with some reservations, but I certainly cannot, under any condition, accept the amendment that came out from the Conference Committee, which would make it completely statutory.

I think we have two options this morning, and I think probably the one that I would most like to see done is to reject the Conference Committee Report and then we can ask for another Committee of Conference.

The SPEAKER: The Chair will order a vote. All in favor of the Conference Committee Report being accepted will vote yes; those opposed will vote no.

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

Thereupon, the House voted to recede from its action whereby the Bill was passed to be engrossed.

Conference Committee Amendment "A" (H-491) was read by the Clerk and adopted.

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

Papers from the Senate

From the Senate: The following Communication:

The Senate of Maine
Augusta
May 23, 1975

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

Dear Mr. Pert:
The Senate today voted to Adhere to its action whereby it accepted the Minority Ought Not to Pass report on Bill, "An Act Concerning Pay Toilets" (H. P. 663) (L. D. 837)

Respectfully,
Signed
HARRY N. STARBRANCH
Secretary of the Senate
The Communication was read and ordered placed on file.

From the Senate: The following Joint Order: (S. P. 532)

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

Maine Central Institute
of Pittsfield, Maine
Maine Prep School
Boy's Track
Championship 1974-75

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

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

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

Non-Concurrent Matter

Bill "An Act to Authorize the Delegation by the Board of Environmental Protection of Certain Actions to the Department of Environmental Protection" (H. P. 958) (L. D. 1206) Which was passed to be engrossed as amended by Committee Amendment "A" (H-398) in the House on May 20.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-398) as amended by Senate Amendment "A" (S-185) thereto in non-concurrence.

In the House: The House voted to recede and concur.

The following Communication: (S. P. 535)

STATE OF MAINE
Senate Chamber
President's Office
Augusta

May 22, 1975

Mr. Harry N. Starbranch
Secretary of the Senate
Augusta
Maine 04330

Dear Mr. Starbranch:
The Committee on Reference of Bills has met and decided to extend the date by which all bills must be reported out of committee.

All bills and resolves must be reported from all committees by 5:00 p.m. on May 30, 1975.

Respectfully submitted,
Signed

JOSEPH SEWALL, Chairman
Committee on Reference of Bills
Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

Petitions, Bills and Resolves Requiring Reference

The following bills were received and, upon recommendation of the majority of the Committee on Reference of Bills, were referred to the following committees:

Bill "An Act Exempting Transactions in Securities or Commodity Accounts made with a Broker-dealer Registered on the Commodities Futures Trading Commission from the Consumer Credit Code" (H. P. 1630) (presented by Mrs. Clark of Freeport) (Approved for introduction by a Majority of the

Committee on Reference of Bills pursuant to Joint Rule 10)

Committee on Reference of Bills suggested the Committee on Business Legislation.

Under suspension of the rules, the Bill was given its first reading without reference to any committee and assigned for second reading tomorrow.

Bill "An Act Authorizing the Licensing of Indoor Tennis Clubs, Indoor Skating Clubs and Golf Course Clubs for the Sale of Alcoholic Beverages without Requiring the Sale of Food" (H. P. 1631) (Presented by Mr. McKernan of Bangor) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Committee on Reference of Bills suggested the Committee on Liquor Control.

Under suspension of the rules, the Bill was given its first reading without reference to any committee and assigned for second reading tomorrow.

Orders

Mr. Ingegneri of Bangor presented the following Joint Resolution and moved its adoption: (H. P. 1628)

In Memoriam

Having Learned Of The Death of James E. Regis of Bangor One of The Famed Flying Tigers

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

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

The Resolution was read.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: Jim Regis died on May 18 of serious collision injuries received on May 9. He was a member of the famed Flying Tigers, those intrepid flyers who flew over the hump from China into Indo-China with supplies for the fighting forces against the Japanese.

Because of a service-connected injury, Jim went into the Federal Civil Service, and until May, 1970, he was a general engineer with the Federal Civil Service and developed a reputation as trouble shooter between Air Force and the many companies with government contracts. When production slowed or it appeared a contractor would not meet a deadline, Jim Regis was dispatched to iron out the situation.

I met Jim about two and a half years ago at a luncheon meeting of the National Association of Retired Federal Employees. He and I later became involved in planning the third annual convention of the state chapters of the national association. He brought the same indefatigable and driving qualities of the trouble shooter into this enterprise. He moved everybody and it became one of the finest conventions ever held by that group. He even got Russell Wiggin, the retired editor of the Washington Post and present editor-publisher of the Ellsworth

American to write a poem in dedication to the civil service retirees.

He was a humane man, much concerned about those less fortunate. He and his gracious wife, Eleanor, spent the entire summer of 1973 and 1974 in Hancock County, where they have a summer home, in assisting the elderly with their applications for the property tax and rent refund. He and his wife single-handedly effectuated over 100 applications.

At the time of his death, Jim was heavily involved with plans for Bangor's Bicentennial celebration. He was tireless, and when he retired from a paying job, he became twice as busy in helping others voluntarily.

I think to sum up, no one can ever put into words better than Shakespeare what we feel in our hearts: "Fear no more the heat of the sun nor the fury of winter's rages; Thou thy worldly task has done, home art gone and taken thy wages."

So, Jim has gone home to be a trouble shooter still.

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

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1634)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Gordon Fraser of Freeport Recipient of the Northern Logger 1975 Outstanding Tree Farm Award

We the Members of the House of Representatives and Senate to 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.

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1635)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Brenda Jean Blake of Freeport who has Distinguished Herself as a Military Cadet in the Air Force Reserve Officer Training Corps

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.

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: Brenda Jean Blake is truly a representative, an outstanding representative, of the youth of Maine. Brenda Jean Blake is a friend. I have known her since she was a little girl, a former student.

On June 2, next week, Brenda Jean Blake will receive her Bachelor's Degree from the Massachusetts Institute of Technology. On May 30, she will be commissioned a Second Lieutenant in the United States Air Force.

Brenda Jean Blake is also known currently as Cadet Colonel Brenda Blake, Cadet Corps Commander of the 365th AFROTC Squadron at the Massachusetts Institute of Technology. Brenda is a graduate of Freeport High School and, as we know now, a senior at MIT, majoring in geology. She has been extremely successful as a student and a member of the Air Force Reserve Officer Training Corps. Not only will she graduate next week as a major in geology from MIT, but in August of this very same year will graduate with her master's degree in geology.

She has received many honors as a collegian. In February, 1973, she was nominated by her flight for the prestigious Silver Wings Award. At that time, she had a 3.9 cumulative point average and was carrying a course load of 45 units.

In addition, during her academic years at MIT, she has been commended for not only her academic performance but has been at the beginning of her sophomore year, inducted into the Arnold Air Society, affiliated with the Air Force Association. In March, 1973 she was awarded an Aerospace Education Foundation Scholarship and received the National Sojourner's Award, and was also presented the Air Force Commandant of Cadets award for outstanding ability and initiative as a member of the AFROTC.

In August, 1973, Brenda attended ROTC summer camp at McConnell Air Force Base, Kansas. There, she survived keen competition to win the Commandant's Award as the most outstanding student during field training.

Yes, indeed, Brenda Blake is a distinguished military graduate from MIT. Brenda Blake is a fine representative of Maine youth.

Thereupon, the Order received passage and was sent up for concurrence.

On motion of Mr. Albert of Limestone, it was

ORDERED, that Richard Carey of Waterville be excused May 27th, 28th, 29th, and 30th for Legislative Business;

AND BE IT FURTHER ORDERED THAT, Raymond Faucher of Solon be excused May 27th and 28th for Legislative Business.

House Reports of Committees Ought Not to Pass

Mrs. Martin from the Committee on Local and County Government on Bill, "An Act to Authorize the Commissioners of York County to Make Certain Payments from the Contingent Account" (H. P. 1561) (L. D. 1871) reporting "Ought Not to Pass"

Mrs. Maxwell from the Committee on Taxation on Bill "An Act Establishing an Occupancy Tax for Persons Staying at a Hotel or Rooming House" (H. P. 1332) (L. D. 1644) reporting "Ought Not to Pass"

Mr. Cox from the Committee on Taxation on Bill "An Act to Revise the Excise Tax on Camper Trailers" (H. P. 1422) (L. D. 1710) reporting "Ought Not to Pass"

Mr. Bennett from the Committee on Judiciary on Bill "An Act to Require that an Arrested Person be Allowed to Make a Telephone Call at No Cost to the County or

Municipality" (H. P. 1384) (L. D. 1699) reporting "Ought Not to Pass"

Mr. Gauthier from the Committee on Judiciary on Bill "An Act to Establish Privileged Communication for School Counselors" (H. P. 1068) (L. D. 1348) reporting "Ought Not to Pass"

Mr. Gray from the Committee on Local and County Government on Bill "An Act Relating to the Powers of County Government" (H. P. 980) (L. D. 1243) reporting "Ought Not to Pass"

Mr. Fraser from the Committee on Transportation on Bill "An Act to Make Allocations from the General Highway Fund to Increase Funds for State Aid Construction and Reconstruction in Hardship Cases" (H. P. 704) (L. D. 883) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act Relating to Interest Payments to Mortgagor on Tax Deposits with Mortgagee" (H. P. 1050) (L. D. 1324) reporting "Leave to Withdraw"

Mrs. Clark from the Committee on Business Legislation on Bill "An Act to Require Health Care Coverage for Newly Born Children" (H. P. 1324) (L. D. 1637) reporting "Leave to Withdraw"

Mr. Cox from the Committee on Taxation on Bill "An Act to Increase the Portion of Tax Stamp Revenues Derived from the Tax on Real Estate Transfers which is Paid to the Counties" (H. P. 943) (L. D. 1182) reporting "Leave to Withdraw"

Mr. Mulkern from the Committee on Taxation on Bill "An Act to Increase the Tax on Real Estate Transfers" (H. P. 944) (L. D. 1183) reporting "Leave to Withdraw"

Mr. Cox from the Committee on Taxation on Bill "An Act to Permit Municipalities to Collect Service Charges in Lieu of Taxes from Tax Exempt Institutions and Organizations" (H. P. 1217) (L. D. 1533) reporting "Leave to Withdraw"

Mr. Call from the Committee on Election Laws on Bill "An Act to Require Grouping of Candidates by Party on General Election Ballots" (H. P. 349) (L. D. 433) reporting "Leave to Withdraw"

Mr. Henderson from the Committee on Judiciary on Bill "An Act Relating to Licenses to Carry Weapons" (H. P. 568) (L. D. 704) reporting "Leave to Withdraw"

Mr. LaPointe from the Committee on Health and Institutional Services on Bill "An Act Creating the Maine Arthritis Task Force" (H. P. 1280) (L. D. 1722) reporting "Leave to Withdraw"

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing State, Maine Maritime Academy and Classified University of Maine Employees' Pay" (Emergency) (H. P. 142) (L. D. 164) reporting "Leave to Withdraw"

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase Salaries of Justices of the Supreme Judicial and Superior Courts and Judges of the District Courts" (H. P. 656) (L. D. 810) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Draft Printed**

Mr. Strout from the Committee on Transportation on Bill "An Act Relating to the Binding of Logs, Lumber and Timber" (H. P. 727) (L. D. 902) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Binding of Logs and Revising Certain Fines" (H. P. 1629) (L. D. 1903)

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

**Ought to Pass
Printed Bill**

Mr. Dam from the Committee on Local and County Government on Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-Five and Nineteen Hundred and Seventy-Six (H. P. 1636) (L. D. 1904) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 1227)

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

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-479) on Bill "An Act Amending Laws Relating to Coeducational Program in Juvenile Training Centers" (H. P. 772) (L. D. 943)

Report was signed by the following members:

- Mr. BERRY of Androscoggin — of the Senate.
- Mrs. MORIN of Old Orchard Beach
- Mrs. POST of Owls Head
- mrs. LAVERTY of Millinocket
- Messrs. SPROWL of Hope
- CURRAN of So. Portland
- HENNESSEY of West Bath
- LOVELL of Sanford
- GOODWIN of So. Berwick
- KENNEDY of Gray
- LaPOINTE of Portland — of the House.

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

Report was signed by the following members:

- Messrs. HICHENS of York
- GREELEY of Waldo — of the Senate.

Reports were read.

On motion of Mr. Goodwin of South Berwick, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-479) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-471) on Bill "An Act to Repeal Milk Control Prices at the Retail Level" (H. P. 208) (L. D. 267)

Report was signed by the following members:

- Messrs. HICHENS of York
- JACKSON of Cumberland
- JOHNSTON of Aroostook — of the Senate.

- Messrs. MAHANY of Easton
- ROLLINS of E. Dixfield
- ALBERT of Limestone

HALL of Sangerville
TORREY of Poland
TEAGUE of Fairfield
DYER of S. Portland

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

Report was signed by the following members:

- Messrs. BERRY of Buxton
- WILFONG of Stow — of the House.

Mr. CARROLL of Limerick — of the House - abstaining.

Reports were read.
On motion of Mr. Mahany of Easton, tabled pending acceptance of either Report and tomorrow assigned.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-474) on Bill "An Act to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-offenders" (H. P. 1114) (L. D. 1416)

Report was signed by the following members:

- Messrs. KATZ of Kennebec
- GRAHAM of Cumberland — of the Senate.
- Mrs. SAUNDERS of Bethel
- Mrs. BACHRACH of Brunswick
- Messrs. TALBOT of Portland
- DAVIES of Orono
- TRUMAN of Biddeford — of the House.

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

Report was signed by the following members:

- Mrs. HUTCHINGS of Lincolnville
- Messrs. AULT of Wayne
- CONNERS of Franklin
- HUNTER of Benton
- RAYMOND of Lewiston — of the House.

Reports were read.

Mr. Talbot of Portland moved the House 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 Thursday, May 29.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Prohibit False, Fraudulent or Deceptive Political Opinion Polls" (H. P. 1159) (L. D. 1458)

Report was signed by the following members:

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

- Messrs. HEWES of Cape Elizabeth
- HUGHES of Auburn
- PERKINS of South Portland
- SPENCER of Standish
- McMAHON of Kennebunk
- GAUTHIER of Sanford
- BENNETT of Caribou
- HOBBINS of Saco
- Mrs. MISKAVAGE of Augusta — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by

Committee Amendment "A" (H-470) on same Bill.

Report was signed by the following member:

Mr. HENDERSON of Bangor
— of the House.

Reports were read.

Mr. Gauthier of Sanford moved the House accept the Majority "Ought not to pass" Report.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few comments about the minority report and the amendment that is attached to the bill.

The original bill would have prohibited so-called fraudulent and false opinion polls from being published, opinion polls dealing with elections and referendums. The problem was that it wouldn't be possible to know whether they were fraudulent or false unless you had another opinion poll. Because this seemed to be an important issue, in consultation with Mr. Silverman, I drew up an amendment which at least would be workable if the House wished to pursue it. The amendment basically says that for any opinion poll which is published in the news media and which is allegedly a representative sample of the voters, not only are the conclusions published, but also certain information about how those conclusions were arrived at have to accompany the publication; that is, the size of the sample would have to be noted, the method by which the sample was selected, that is the random sample from voting lists or whatever it is, and finally, or maybe more importantly, a statement about the reliability of that particular sample. Because I am in the business of public opinion polls, it gave me some understanding of what things can be done, and if you have a sample of a certain small size, say 100 people across the state, the reliability of that might be 20 percent either way. Even if Joe Doe was ahead by 15 percent, the reliability is so wide that in fact he may not be ahead.

What this says is that you also have to put in your report the reliability of your opinion poll so that the person who looks at it sees the results but also has some understanding of how reliable those results are.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that was reported somewhat unfavorably from the Judiciary Committee, 12 to 1. I don't stand here to say that they haven't made the best judgment, but one thing, I do think we recognize that in the election process, it is very easy or possible to get a newspaper to use headlines that somebody is ahead in the polls and never print exactly where that poll came from, what that sample consisted of, what facts there were behind that poll, and in turn, many voters could possibly be misled. Time and time again in Maine elections, we have seen this happen, and leading candidates have stated themselves that they are misled sometimes by the way these polls are construed or developed. Therefore, a bill was presented to this legislature in hopes that we could somehow move in that direction to see what could be done under law to protect people in getting a real and an accurate sample and poll as possible.

I am not here to fight this. I realize that

we are going into a long session for the year, and I hope others may take the understanding that bills that come out 12 to 1 possibly should be given a chance at another date. Therefore, I accept the finding of the committee.

Thereupon, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-466) on Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 99) (L. D. 106)

Report was signed by the following members:

Mr. PRAY of Penobscot
— of the Senate.

Messrs. PETERSON of Caribou
KAUFFMAN of Kittery
CHURCHILL of Orland,
MILLS of Eastport,
DOW of West Gardiner,
MacEACHERN of Lincoln
TOZIER of Unity,
USHER of Westbrook,
MARTIN of St. Agatha
WALKER of Island Falls
— of the House.

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

Report was signed by the following members:

Messrs. McNALLY of Hancock,
GRAFFAM of Cumberland
— of the Senate.

Reports were read.

On motion of Mr. Mills of Eastport, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-466) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-465) on Bill "An Act Establishing a Consumer Complaint Office within the Public Utilities Commission" (H. P. 1019) (L. D. 1298)

Report was signed by the following members:

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

Messrs. KELLEHER of Bangor.
NADEAU of Sanford,
LUNT of Presque Isle
GRAY of Rockland,
BERRY of Buxton,
LEONARD of Woolwich
Mrs. SAUNDERS of Bethel
TARR of Bridgton
— of the House.

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

Report was signed by the following member:

Mr. LITTLEFIELD of Hermon
— of the House.

Reports were read.

On motion of Mr. Kelleher of Bangor, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-465) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report from the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-472) on Bill "An Act to Enable the Department of Health and Welfare to Conduct a Program to Provide Free Drugs to Elderly, Disadvantaged Maine Citizens" (H. P. 1413) (L. D. 1683)

Report was signed by the following members:

Messrs. HICHENS of York
GREELEY of Waldo
— of the Senate.

Mrs. MORIN of Old Orchard Beach
Mrs. LAVERTY of Millinocket

Mrs. POST of Owls Head
Messrs. LOVELL of Sanford

GOODWIN of So. Berwick
SPROWL of Hope
HENNESSEY of West Bath
CURRAN of So. Portland
KENNEDY of Gray
— 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. BERRY of Androscoggin
— of the Senate.

Mr. LaPOINTE of Portland
— of the House.

Reports were read.

Mr. Goodwin of South Berwick moved the House accept the Majority "Ought to pass" Report.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair on this bill. There are somewhere around 165,000 elderly citizens in the State of Maine, and I wonder, will this give them free prescription drugs when they need it?

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

The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: This bill was sponsored by me at the request of the Governor. It merely sets up the mechanism by which such a program could be established in the event that non-state funding became available, whether it was charitable, private, or whether it was federal funds. The Governor has been pursuing the avenue of charitable donations in this area for quite a while.

I have some very grave doubts as to whether or not he will be successful, but I do believe that at least we should give him the chance. With the economy the way it is, I don't know just how much money would be forthcoming and I have some concerns about the continuity of such a program, but I willing to give him the opportunity.

If by the 108th Legislature nothing has been accomplished in this area, I would then hope, if I were here, or someone else perhaps would try to extend Title 19 of the Medicaid program to other low income and elderly people who are not on categorical aid and also to extend it to non-prescription drugs. As of right now, no, it will not do this, it merely sets up the mechanism in the hopes that a program can be established.

The SPEAKER: The Chair recognizes

the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker and Members of the House: In a further attempt to answer the good gentleman from Calais, Mr. Silverman's question, I thought maybe I would share some of my concerns relative to this particular L. D. and why I signed the minority report.

It has been conservatively estimated that there would be approximately 145,000 elderly people who would benefit from this particular program. This was evidence that was presented to the Committee on Health and Institutional Services when this bill was presented at its public hearing.

The range of cost for maintenance drugs and drugs that would be provided under this particular program, it ranges from fifty to eighty dollars per year. So if you took the low figure of \$50 per year, it would roughly cost \$7,250,000 to fund this particular program under Title 19 through the Medicaid. If you took the high range figure of \$80 per year, it would cost \$1,600,000 to fund this particular program. These were my reservations in putting this particular legislation on the books, because the program is inadequately funded and in no way is going to meet the needs of the elderly as it relates to prescription medicine, and accordingly I signed the minority report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This is another one of these L. D.'s that has been floating around this House, predominantly in this legislature now since we have come in in January, looking to promise the people of Maine, whether they are senior citizens or low income people, some kind of a program, and in essence what we are giving them is the makings for the cake but no provisions to cook it.

I submit that this legislation here is as misleading as any legislation. I think the State of Maine should have a program such as this, but if we are going to have it, and the Health and Institutions Committee came out with such a majority report, my question to them is, why didn't they properly draw up the guidelines themselves? Why didn't they put some money on this bill? You heard Mr. LaPointe say \$7 million, and I don't think that that is an out-of-the-park figure, why wasn't this put into the bill?

This is a rather misleading document. I don't know how we are ever going to fund it. Perhaps we might hold some state-wide baked bean suppers to fund a program such as this, but let's not pass out a bill and fool the senior citizens of Maine, 140,000 or 150,000 of them, that we are going to let a department set the rules and regulations when down there right now they haven't got enough money to run the department. Let's stop kidding and fooling the people of the State of Maine, particularly the senior citizens who have worked long and hard and we are trying to do something for them, and we take a sham like this for a bill and we are going to enact it in the guise of good legislation for senior citizens.

I am not one who is going to sit here and fool the senior citizens of Maine with a document such as this, and I move the indefinite postponement of this bill and all its reports and papers.

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

The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I find myself in a very strange position of defending the Governor. I really hope you will not indefinitely postpone this bill. I don't believe that anyone has been trying to mislead the senior citizens on this bill. When I testified before Health and Institutions, I laid it out very clearly as to what this bill does and what this bill does not do. In the newsletter from the Maine Committee on Aging, which went out to 5,000, we again made it very clear that this is only the mechanism, this is only the first step, this does not promise anything, this is in the hopes that perhaps we can get a program started soon.

To be very frank about it, we do not have the money to establish this program right now. If I had come in here with a bill to do this with about a \$2 million price tag for each year, I think you would have laughed me right out of here this session. I would love to do it; in fact, I would love to amend it to extend Title 19 of the Medicaid Program but we can't afford to do it right now, but if there is even one chance in a thousand that such a program could be established, we at least ought to give someone a chance to do it and if it can't be done, we could come back in here and do the job right.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I can assure the good lady from Bath, Mrs. Goodwin, that if she were to amend this bill with say a million dollars to start with for each year, I would not laugh her out of the House, I would vote for the bill — I assure you of that. On the other side of the ledger, however, let me just ask you this, 90 days after we get out of here — let's say this bill becomes a law — 90 days after we get out of here, how do we explain when we meet on the street or we get a telephone call or letter written probably by somebody else, how do we explain to an elderly person that we passed a bill to enable the Department of Health and Welfare to conduct a program to provide free drugs to elderly and disadvantaged Maine citizens, how do we explain to them that we passed a bill but we don't have any money to give them? This, in my opinion is a bill that could very well be kept alive for amendment. I would vote for it to be kept alive for amendment and put a million dollars each year on it and then let it go to the Appropriations Table. But to propose such a program, I can recall that the governor did say, he said this, and said it twice in his inaugural message and in his budget message and he said it publicly, that if we have other programs that we want that we are supposed to come up with the money to fund them. If we have new programs or existing programs, we must have the money to fund them. If we have new programs we must supply the money to fund them. Sauce for the goose is sauce for the gander.

I just can't see myself voting for a bill like this, and I believe strongly in a measure such as this. It would stop some of us from running down below the certain sections of our city after picking up prescriptions for an unfortunate person. I concur in one way with the good lady and I don't concur in another way. Why doesn't she get up an amendment with a million dollars each year for this program and see

what we will do. At least I will be delighted to speak for it.

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

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly agree with the gentlelady from Bath, Mrs. Goodwin. This is enabling legislation, and the good gentleman from Lewiston, Mr. Jalbert, I feel that if we put on a million dollars on this bill or a half million, at this present legislature it would be defeated, but on the other hand we have another session coming up in the near future and there may be some way to finance this bill.

As far as the senior citizens are concerned, many of the senior citizens now on the Medicaid program are getting medication free. This is simply taking the group of senior citizens that are in the lower class or between the lower class area and the upper class. Now, in my own particular case, I would never get free medication and probably most of the members of the House that are 65 or over wouldn't either, but on the other hand, I think that the Governor meant well in putting in this bill. I think we should go along with the Governor, because he has definitely said through Mrs. Goodwin to our Committee on Health and Institutional Services that he felt that he would be able to solicit funds from foundations such as the Ford Foundation and other foundations or from drug companies who are making huge profits.

I would definitely ask you not to indefinitely postpone this bill at this time. I don't mind seeing it tabled and an amendment put on for a small amount of money, but I don't think this is the time or the session, I don't think this is the time of the year to do it. I think we should simply pass the enabling part and then later on take care of the funding because the real poor senior citizens now on Medicaid are not suffering for medication.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you listened very attentively to Representative Lovell, because he expressed a concern that I myself expressed and Mrs. Goodwin, and apparently the Governor is expressing, there is certainly a need for this type of a program but they are telling you not now. There is not enough money now, so let's wait and come back in the special session and perhaps appropriate some money.

What about the very people that need help now? I would be willing to withdraw my motion to indefinitely postpone, and I would certainly support an amendment to put some decent kind of money attached to this bill to really see if in fact this House is willing to fund such a program and even grab the bit and run with it, if it is necessary, to go for some kind of a tax program to fund the program. And more importantly, if a fellow down in the second floor is so sincere about trying to help these very people that we know need help, let's just see how far he wants to go and not come back in January and talk about what we may or may not do six or seven months from now.

Mr. Speaker, if the House will give me permission, I will withdraw my motion to indefinitely postpone, and let's just see how far this body wants to go and let's just see how far the gentleman downstairs would like to go in funding a program that we all firmly believe in. I respectfully request that my motion be withdrawn.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, withdraws his motion to indefinitely postpone. The pending question now is acceptance of the Majority "Ought to pass" Report.

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

Mr. MILLS: Mr. Speaker and Members of the House: I move this be tabled to later in today's session.

The SPEAKER: The gentleman from Eastport, Mr. Mills, moves that this matter be tabled until later in today's session. The Chair hears objections and will order a vote.

The pending question is on the motion of the gentleman from Eastport, Mr. Mills, that this matter be tabled until later in today's session. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative, and 78 having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly hope that the Majority "Ought to Pass" Report passes, and that at second reading, and if the gentlelady from Bath, Mrs. Goodwin, put in an amendment on this measure and a tax measure and a tax measure in an emergency on it, I will vote for it and I will personally ask the President of the Senate to put it right on the Governor's desk and see what he will do with it then.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: If you put money on this bill, two to one it will get killed on the Appropriations Table. The people who are not being helped now aren't going to be well, they aren't helped now, but if the Governor can get people to donate money to this program, then they will be helped. It is a chance you are taking, but they won't get it if they put on the table.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Several speakers have mentioned the fact that the Governor has said he will seek funds from private sources. If that were the case, I don't really know why the legislation is necessary. I wonder if anybody does have a report from the Governor as to whether any applications have been made to any foundations or any private sources for funds for this particular program?

The SPEAKER: The gentleman from York, Mr. Rolde, poses a question through the Chair to anyone who cares to answer.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I don't have the answer to that question, but to speak briefly in defense of the Majority Report, I think there was very serious consideration given to reporting out this bill Ought not to Pass" because at \$2 it was not going to go far toward funding the medical needs of the elderly in our state.

However, because this was a request by the Governor and because he had said he felt he would be trying to find the funding to the tune of whatever it is, \$7 million, through private sources, we felt that we could not say no to this request. I think if somebody wants to put another bill in funding the program or wants to amend

that bill, that is fine and good, but I think what we felt was that since the request was made by the Governor, we could in no way turn it down. I would ask you to accept the Majority "Ought to Pass" Report.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, question the need for this enabling legislation. It would appear that perhaps Medicaid could be expanded to include such a program, and also, I would like to pose a question through the Chair as to that and also if it is actually necessary to have enabling legislation to set up a program in which private monies were used.

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, poses a question through the Chair to anyone who cares to answer.

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

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: The Medicaid Program has definite rules as to income and to the need of the person to be on Medicaid.

There is a bill in Congress for persons who don't qualify for Medicaid, not to give them all the drugs such as this bill calls for, such as this ruling, which is over-the-counter drugs, but this bill in Washington gives the persons who don't qualify for Medicaid but are in low income brackets, certain maintenance drugs, such as for high blood pressure, cancer, various diseases of that sort which this bill will help out a great deal if this money comes from the government. This organization will be controlled by a physician, pharmacist or medical man of some sort in this particular program. I still think, that we should without a doubt, pass this legislation at this time and then the funding will come later and hopefully some through the federal government.

The SPEAKER: The pending question is acceptance of the Majority "Ought to Pass" Report. All in favor of acceptance of the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

96 having voted in the affirmative and 53 having voted in the negative, the motion did prevail.

Thereupon the Bill was read once. Committee Amendment "A" (H-472) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Require Review of Proposed State Regulations by Local Units of Government" (H. P. 891) (L. D. 1082)

Report was signed by the following members:

Messrs. GRAHAM of Cumberland
CURTIS of Penobscot
— of the Senate.

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

Minority Report of the same Committee

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-468) on same Bill.

Report was signed by the following member:

Mr. WYMAN of Washington
— of the Senate.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of the Majority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves the House accept the Majority "Ought Not to Pass" Report.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I seem to be in the habit of one-member minority reports this morning, but I wonder if any member of the State Government Committee could indicate why this wise, reasonable and just piece of legislation failed to get a Majority "Ought to Pass" Report. I thought Mr. Farnham was right at the outset.

The intent of this bill is basically to inform municipalities of the rules and regulations set forth by our bureaucracy before they are in fact finally passed. I probably could invoke some Freedom Fighter or other kind of support on this. I am wondering why the committee went the way it did?

The SPEAKER: The gentleman from Bangor, Mr. Henderson, poses a question through the Chair to anyone who cares to answer.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: If there isn't any explanation, I would at least like a division, Mr. Speaker.

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

A vote of the House was taken.

75 having voted in the affirmative, and 23 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-488) on Bill "An Act Concerning the Transportation of Long Logs by Combination Vehicles" (H. P. 1166) (L. D. 1465)

Report was signed by the following members:

Mr. CYR of Aroostook
— of the Senate.

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

Messrs. GREELEY of Waldo
McNALLY of Hancock

— of the Senate.

Mr. JENSEN of Portland

— of the House.

On motion of Mr. Fraser of Mexico, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-488) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar First Day

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

(H. P. 1096) (L. D. 1378) Bill "An Act Concerning the Coverage of Newborn Children under Certain Health Insurance Policies and under Certain Hospital and Medical Service Organizations" — Committee on Business Legislation reporting "Ought to Pass"

On the request of Mr. Hobbins of Saco, was removed from the Consent Calendar.

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

(H. P. 1362) (L. D. 1664) Bill "An Act to Cause the Aroostook County Commissioners to Hire a Full-time Administrative Assistant" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 252) (L. D. 322) Bill "An Act Creating Cumberland County Commissioner Districts and Decreasing the Annual Salary of Cumberland County Commissioners" — Committee on Local and County Government reporting "Ought to Pass as amended by Committee Amendment "A" (H-476)

(H. P. 103) (L. D. 126) Bill "An Act Amending the Powers and Duties of the Maine Committee on Aging to Include the Inspection of Nursing Homes" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-473)

(H. P. 940) (L. D. 1313) Bill "An Act Concerning Municipal Property Tax Bills" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-477)

(H. P. 1179) (L. D. 1471) Bill "An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Kennebec River" (Emergency) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-480)

(H. P. 1348) (L. D. 1653) Bill "An Act to Establish Legislative Control over Licensing Standards for Ambulance Services and Personnel" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-481)

(H. P. 1181) (L. D. 1474) Bill "An Act Relating to Private Visitation and Rehabilitative Process at Correctional Institutions" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-484)

(H. P. 642) (L. D. 825) Bill "An Act Relating to the Maine Dairy and Nutrition Council" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-486)

(H. P. 1372) (L. D. 1685) Bill "An Act to Authorize any Alleged Rape Victim to Obtain a Physical Examination by her own Physician and at the Expense of the County in which the Alleged Rape Took Place" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-485)

(H. P. 1129) (L. D. 1405) Bill "An Act to Institute a Fee System for Hospital, Nursing Home and Boarding Home Licenses to Fund Costs of Licensing" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-482)

(H. P. 1478) (L. D. 1704) Bill "An Act Relating to Roads and Ways" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-487)

(H. P. 1377) (L. D. 1708) Bill "An Act Appropriating Funds to Renovate Indian Dwellings on the Penobscot Indian Reservation" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-489)

(H. P. 868) (L. D. 1045) Bill "An Act Relating to Marital Rights in Partnerships Property under the Uniform Partnership Act" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 827) (L. D. 1010) Bill "An Act Relating to Transfer of Offenders Among Correctional Institutions, Residential Facilities and Programs" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-483)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 28 under listing of Second Day.

Consent Calendar Second Day

(S. P. 424) (L. D. 1390) Bill "An Act to Remove the Commissioner of the Department of Conservation from the Maine Land Use Regulation Commission" — Committee on State Government reporting "Ought to Pass"

On request of Mr. Farnham of Hampden, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 29.)

(S. P. 421) (L. D. 1388) Bill "An Act to Clarify Laws Relating to Corporations" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-180)

On request of Mr. Gauthier of Sanford, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and Specially assigned for Thursday, May 29.)

(S. P. 276) (L. D. 934) Bill "An Act to Clarify the Laws Relating to Marine Resources" — Committee on Marine Resources reporting "Ought to Pass" as

amended by Committee Amendment "A" (S-179)

(S. P. 173) (L. D. 553) Bill "An Act Relating to the Maine Law Enforcement Planning and Assistance Agency" (Emergency) — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-182)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 28, under listing of the Second Day.

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

(S. P. 499) (L. D. 1851) Bill "An Act Relating to Additional Roads on Indian Reservation at Indian Island" (Emergency)

(S. P. 299) (L. D. 1031) Bill "An Act Relating to the Maine State Lottery Law" (C. "A" S-174)

(S. P. 494) (L. D. 1825) Bill "An Act to Create a Commission to Revise the Laws Relating to Medical and Hospital Malpractice Insurance" (C. "A" S-173)

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

(H. P. 494) (L. D. 724) Bill "An Act Creating the Maine Health Maintenance Organization Act"

On request of Mr. Goodwin of South Berwick, was removed from the Consent Calendar.

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

(H. P. 947) (L. D. 1185) Bill "An Act to Provide for the Identification of Past Offenders"

(H. P. 1536) (L. D. 1857) Bill "An Act Relating to Public Utilities Commission Jurisdiction over Certain Contracts"

(H. P. 1614) (L. D. 1894) Resolve, Designating the Bridge Between East Machias and Machiasport as "Rim Memorial Bridge" (Emergency)

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

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

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

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

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

(H. P. 473) (L. D. 593) Bill "An Act Relating to State-wide Correctional Program Improvement" (C. "A" H-448)

(H. P. 1100) (L. D. 1381) Bill "An Act to Clarify the Medical Practice Act" (C. "A" H-444)

(H. P. 708) (L. D. 887) Bill "An Act Concerning Replacement of Eyeglasses and Certain other Prosthetic Devices under the Workmen's Compensation Statutes" (C. "A" H-456)

(H. P. 1450) (L. D. 1721) Bill "An Act to

Equalize the Offset of Workmen's Compensation Benefits Against Certain Retirement and Social Security Benefits" (C. "A" H-454)

(H. P. 1243) (L. D. 1544) Bill "An Act to Authorize the Treasurer and County Commissioners of Hancock County to Build a Detention Center and District Court" (C. "A" H-452)

(H. P. 1373) (L. D. 1706) Bill "An Act Creating County Commissioner Districts" (C. "A" H-453)

(H. P. 1015) (L. D. 1520) Bill "An Act Concerning the Municipal Valuation Appeals Board and Procedures for Municipal Appeals" (C. "A" H-449)

(H. P. 1425) (L. D. 1817) Bill "An Act to Revise the Fish and Game Laws" (C. "A" H-457)

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

Passed to Be Engrossed

Bill "An Act Concerning the Mounting of Red Lights on Vehicles Operated by Volunteer Firemen" (H. P. 990) (L. D. 1338)

Bill "An Act to Establish the Construction of Bikeways as a Responsibility of the Department of Transportation and to Provide Funding Thereof" (H. P. 1626) (L. D. 1900)

Bill "An Act Concerning the Required Height of Motorcycle Handlebars" (H. P. 900) (L. D. 1087)

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

Second Reader

Tabled and Assigned

Bill "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools" (S. P. 476) (L. D. 1609)

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

(On motion of Mr. Rolde of York, tabled pending passage to be engrossed and specially assigned for Thursday, May 29.)

Bill "An Act to Establish Purchasing Procedures for the Legislature" (H. P. 1595) (L. D. 1885)

Bill "An Act to Limit School Tuition Increases" (H. P. 1175) (L. D. 1479)

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

Amended Bills

Bill "An Act to Provide Opportunity for Reasonable Correction of Applications Before the Board of Environmental Protection" (S. P. 527) (L. D. 1892) (S. "A" S-181)

Bill "An Act to Authorize County Commissioners to Provide or Contract for Certain County and Municipal Services" (S. P. 332) (L. D. 1118) (C. "A" S-172)

Bill "An Act to Amend the Taxing Provisions under the Catastrophic Illness and Medically Indigent Program" (H. P. 1162) (L. D. 1461) (C. "A" H-455)

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) (C. "A" H-458)

Bill "An Act Relating to the Statutes Concerning Licensing of Dogs" (S. P. 351) (L. D. 1151) (C. "A" S-155)

Bill "An Act Clarifying the Right to Appeal from Final Decisions of the Public Utilities Commission" (S. P. 379) (L. D. 1230) (S. "A" S-156 to C. "A" S-150)

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.

Emergency Measure Tabled and Assigned

An Act to Create Hospital Administrative District No. 5 in Piscataquis and Penobscot Counties (H. P. 1099) (L. D. 1382)

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

(On motion of Mr. Rolde of York, tabled pending passage to be enacted and specially assigned for Thursday, May 29.)

Passed to Be Enacted

An Act to Provide a Cost-of-Living Increase to Supplemental Security Income Recipients (S. P. 349) (L. D. 1149)

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

An Act to Permit Payment of Fines by Offers in Compromise From Beer and Wine Wholesale Licensees and Holders of Certificates of Approval in Lieu of Suspension (H. P. 1072) (L. D. 1352)

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I realize that this has gone a long way and I haven't said anything on this, but I do not believe that when somebody breaks the law in selling of these — when beer and wine licensees do break the law, I don't believe that they should just pay a fine because that is not the purpose of it. The real purpose of this would be to give them the most severe penalty, and that would be to let them lose their license.

I realize I don't have too much support on this, like I have had on other things up here, but I want to go on record as opposing, it and I will let it go as such.

The SPEAKER: The Chair will order a vote. The pending question is on passage to be enacted. All in favor of this bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken. 55 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

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

An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules (H. P. 1379) (L. D. 1775)

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

(Off Record Remarks)

Orders of the Day

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

Bill "An Act Relating to Certain Overtime Exemptions Under Minimum Wage Law" (H. P. 401) (L. D. 490) — In House, Majority "Ought to Pass" as amended by Committee Amendment "A" (H-393) Report accepted and Bill passed to be Engrossed as amended, May 20. — In Senate, Minority "Ought Not to Pass" Report read and accepted in non-concurrence.

Tabled — May 22, by Mr. Tierney of Durham.

Pending — Further Consideration.

On motion of Mr. Rolde of York, tabled pending further consideration and specially assigned for Thursday, May 29.

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

House Divided Report — Majority (7) "Ought Not to Pass" — Minority (5), "Ought to Pass" as amended by Committee Amendment "A" (H-440) —

Committee on Human Resources on Bill "An Act to Provide for Review and Planning of Human Service Programs by Regional Planning Commissions." (H. P. 1186) (L. D. 1477)

Tabled — May 22, by Mr. Talbot of Portland.

Pending — Acceptance of either Report. The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker and Members of the House: The Committee on Human Resources wishes to move that this body accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Portland, Mr. Talbot, moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I would request a division.

I sponsored this bill, L. D. 1477, An Act to Provide for Review and Planning of Human Service Programs by Regional Planning Commissions, because I feel this bill addresses a number of very serious problems which exist in our human services delivery system. At present, municipalities lack any sort of formal mechanism for reviewing funding requests from human service agencies. Further, there is no process by which cities and towns can assess their human service needs or plan for the provision of needed, human services.

The only assistance to communities comes from the human service agencies themselves, but unfortunately, the neutrality of these agencies is questionable in the minds of many municipal officials.

Another problem exists, which is the absence of effective advocacy at the local, and regional level for human services. The Department of Health and Welfare currently possesses a considerable quantity of information on service distribution which clearly shows that rural and poverty intense areas of the state are not receiving their share of services.

If Washington County and Aroostook County and some other areas of the state had organized bodies of municipal officials, human service providers and consumers to act as advocates, the likelihood of these regions receiving their fair share of services would be increased.

I understand that the department and the Maine Human Services Council are currently attacking this problem of severe distribution. This effort should be applauded but it should not encourage us to continue to rely solely on a senuous perspective from Augusta in determining future allocations of human service dollars.

There is much strength to the argument that Augusta requires a strong regional voice, which is not the regional arm of the department, to insure a wise and appropriate decision-making process.

This bill also proposes a process for resolving problems of coordination and duplication at the regional level. With the federal and state governments unable to coordinate their funding processes, the substate regions have been confronted with innumerable agencies, each somehow responsible to a different agency and each somehow performing a service which steps over into a service delivered by another agency.

The Regional Planning Commission has the unique status of having credibility with the communities to advise them on how they should spend their tax dollars. The Commissioners are also responsible for conducting the A-95 federal government review process. Although this process does not allow for review of all human services, it does cover many of them and it is my understanding it will cover all of them in a matter of a year or two.

It was the great wisdom of the federal government to create this A-95 process to insure that their best intentions came through at the local level. This bill proposes to offer the resources necessary to utilize this authority in the largest area of government expenditure.

Finally, I wish to say that although municipalities in Maine provide millions of their dollars into this system, the contributions are dwarfed by that of the state, which in turn is dwarfed by that of the federal government.

Interestingly, the federal government in recent years has discovered that this system is lopsided because it prohibits local government and local involvement. The federal government, through revenue sharing and block-grant programs, has attempted to counter this imbalance. That government has also written into many new and revised pieces of human service legislation the requirement that local government be an active participant in state planning and decision making as it affects human services. This bill which I am sponsoring states that this is an idea which deserves our attention and adoption.

I might add that in some areas of this state, human service agencies have realized the importance to them of developing closer ties with municipalities and coordinating their activities. Local involvement allows municipal officials that much needed opportunity to identify with this system and to contribute to it.

I urge you not to support the "Ought not to pass" Report, that this bill be given an "Ought to pass" Report and that we can discuss it further at second reading.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I voted opposed to this bill for several reasons. I have been a member of the Regional Planning Commission, and I am aware that most of the people who serve on these commissions

are already involved in their local affairs to a considerable extent. They are either members of the council or selectmen or members of the planning boards of what not, and they are exceedingly busy people. When they give these A-95 reviews, they are not able to get into the questions in any considerable depth and their time being limited, they don't generally review these things on the spot.

I have been a member of another committee which reviewed a bill whereby the Human Services Bureau of the Department of Health and Welfare wished to have some additional funds to do a similar type of review of the delivery of services throughout the State of Maine. This seemed a more professional and adequate way to go but, unfortunately, this required some funding and was therefore reluctantly turned down by the Audit Committee.

I feel that the capability of pursuing the distribution of human services planning under the Department of Health and Welfare is considerably more professional and would be more adequate to the job undertaken. I realize that some of the Regional Planning Commissions are, to a certain extent, involved in planning for human services, but there is nothing to prevent them from proceeding in that direction at the present time.

The original bill for this service did request funds. Now apparently, according to the amendment, they are simply kind of requesting a blessing on their intentions, which I don't feel they require in order to see exactly how these services are allocated. So, I continue to feel that if we are going to go in the direction of establishing whether these services are adequately distributed over the state, that we should do it through the Bureau of Human Services.

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

A vote of the House was taken.

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

Sent up for concurrence.

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

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

Tabled — May 22, by Mr. Lynch of Livermore Falls.

Pending — Passage to be Engrossed.

On motion of Mr. Lynch of Livermore Falls, was recommitted to the Committee on Education and sent up for concurrence.

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

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

Tabled — May 22, by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

Mr. Kelleher of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-475) was read by the Clerk and adopted.

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

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

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

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

Pending — Passage to be Enacted.

On motion of Mr. Kelleher of Bangor, retabled pending passage to be enacted and specially assigned for Thursday, May 29.

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

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

Tabled — May 22, by Mr. Kauffman of Kittery.

Pending — Motion of Mr. Peterson of Windham to Indefinitely Postpone House Amendment "A" (H-432) to Committee Amendment "A" (H-354).

On motion of Mr. Rolde of York, retabled pending the motion of Mr. Peterson of Windham to indefinitely postpone House Amendment "A" to Committee Amendment "A" and specially assigned for Thursday, May 29.

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

House Divided Report — Majority (12) "Ought to Pass" as amended by Committee Amendment "A" (H-369) — Minority (1) "Ought to Pass" in New Draft (H. P. 1205) (L. D. 1173) — Committee on Fisheries and Wildlife on Bill "An Act to Increase Certain Hunting and Fishing License Fees." (H. P. 464) (L. D. 566)

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

Pending — Motion of same Gentleman to Accept the Majority "Ought to Pass" as amended Report.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Apparently this is going to be very controversial. To put the bill in the position where amendment could be offered, I suggest we accept the Majority "Ought to Pass" Report and go to second reading.

Thereupon the Majority "Ought to Pass" Report was accepted and the bill read once. Committee Amendment "A" (H-369) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

House Divided Report — Report "A" (6) "Ought Not to Pass" — Report "B" "Ought to Pass" as amended by Committee Amendment "A" (H-407) Report "C" (2) "Ought to Pass" — Committee on Energy on Bill "An Act to Require Legislative Approval for the Construction of a Nuclear Power Plant Used by a Public Utility to Generate Electricity" (H. P. 1261) (L. D. 1555)

Tabled — May 22, by Mr. Farley of Biddeford.

Pending — Acceptance of Any Report.

On motion of Mr. Farley of Biddeford, retabled pending acceptance of any Report and later today assigned.

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

Senate Divided Report — Majority (7) "Ought to Pass" — Minority (6) "Ought Not to Pass" — Committee on Education on Bill "An Act to Authorize the University of Maine to Proceed with the Development of a School of Medicine as Part of the Teaching Program of the University System." (S. P. 224) (L. D. 773) — In Senate, Majority "Ought to Pass" Report read and Accepted and Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-124) as amended by Senate Amendment "B" (S-163), thereto.

Tabled — May 22, by Mr. Rolde of York.
Pending — Acceptance of Either Report.
On motion of Mr. Birt of East Millinocket, retabled pending acceptance of either Report and specially assigned for Thursday, May 29.

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

Senate Divided Report — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (S-154) — Committee on Marine Resources on Bill "An Act Relating to the Sale of Crawfish." (S. P. 104) (L. D. 359). — In Senate, Minority "Ought to Pass" as amended Report read and accepted and Bill Passed to be Engrossed, as amended.

Tabled — May 22, by Mr. Pierce of Waterville.

Pending — Motion of Mr. Greenlaw of Stonington to Accept Majority "Ought Not to Pass" Report.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Thursday, when this bill came into the House, I moved acceptance of the "Ought not to Pass" Report in an attempt to save some time; I didn't think it was necessary to debate the bill inasmuch as all House members of the Marine Resources Committee signed the "Ought not to Pass" Report.

Very quickly, I shall explain, I think, the rationale involved and ask that we do accept the Majority "Ought not to Pass" Report.

First of all, the Special Session of the 106th Legislature did enact legislation which allowed the sale of crawfish in the State of Maine. Maine was the only state that did prohibit the sale of crawfish and the rationale behind this was that there was a feeling amongst many of the lobster fishermen that if crawfish was in fact sold in the state that the trade in short lobsters would increase and that short lobsters would be used in place of crawfish. If short lobsters were in fact used, this would be a grave threat to the continued existence of the lobster industry.

This session, we did have a bill that intended to repeal all the restrictions that had been placed on the crawfish and there was a committee redraft that was signed by two members of the other body, which for all intents and purposes guts the present legislation. Those of us in the House are still very much concerned about the possibility of short lobsters being used as crawfish. Because the Committee Amendment does in fact completely gut the whole legislation, I hope that this morning we can accept the Majority "Ought not to pass" report and dispose of this bill very quickly.

Mr. Talbot of Portland moved that this matter be tabled two legislative days.

Mr. Greenlaw requested a division on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Talbot, that this matter be tabled for two days pending the acceptance of the Majority "Ought not to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

8 having voted in the affirmative, and 78 having voted in the negative, the motion did not prevail.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to argue this bill. I didn't really have enough time to get my thing together, you might say.

I hope you vote against the Majority "Ought not to Pass" Report and accept the Minority "Ought to Pass" Report, because, I think it is very, very prohibitive legislation.

As I understand it, as it is now, and I voted in behalf of this bill in the 106th, but as I understand it now, you cannot buy crawfish in restaurants now because the lobster takes preference. I guess I have had a different feeling and a different thinking on this matter because as most of you know, and I have done some checking, not much, but I have done some checking and found that in a lot of seafood restaurants, their haddock comes from Canada, their crabs come from Alaska, different fish come from different parts of the country, they don't come from Maine. It is very, very seldom that you can buy even a peck of potatoes in Maine from the State of Maine, they are usually Idaho potatoes.

What I am saying is that I think that this is an alternative to lobsters. Lobsters are very, very high. The only time we have lobsters, and I shouldn't say this, but the only time we have lobsters in our house is when someone has a birthday and we go out. It is very expensive.

I don't think that we should vote on this legislation just to keep the Maine Lobster the Maine Lobster. I think there are a lot of people who want to eat lobsters that can't, can't afford to eat lobster, but can very closely get to that by eating crawfish. I don't know whether I am making any sense or not. Like I said, I didn't have time to get my things together.

What I am saying is that we as consumers in the State of Maine should have a choice as to what we want to eat in a restaurant, whether it be lobster or crawfish, and we shouldn't have that lobster in that restaurant just solely because it is Maine lobster. I hate to use this word, but I think it is discrimination. I think it is discrimination, because in a lot of consumer oriented items which we get in a restaurant, they are not from the State of Maine, they are from out of the State of Maine.

I better hang this up here, but I hope you vote against the motion of the gentleman from Stonington to accept the Majority "Ought not to pass" Report.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I think there may be some misunderstanding about this bill. For those of you who have read it and perhaps compared it to the original legislation that was passed last year, this bill, or the legislation which is now on the books, in no way prohibits the selling of crawfish. All it does is set up standards, licensing standards and standards on how

crawfish can be served so that when in fact people go into Maine and order crawfish, they know they are getting crawfish and when they come into a restaurant in Maine and order lobster, they know they are getting lobster, and all the present legislation does now is to set up standards to insure that is true.

I think the major problem on this is that no one who is very closely involved with lobster is very concerned at all with crawfish competing with lobster. What we are concerned about and what the Department of Marine Resources is concerned about is that when you have crawfish out of the shell or lobster out of the shell, it is impossible to tell crawfish out of the shell by eye from short lobsters and the present legislation only serves to insure that there are some mechanisms to stop the short lobster traffic in the state. For that reason, the department feels this bill, as it presently stands, should not pass. I ask you to accept the Majority "Ought not to pass" report.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: A couple of questions to the House Chairman of the Marine Resources Committee. Is it now, constitutional to sell? Are we able to sell crawfish in Maine now and will this bill — if the answer is no to that question, will in fact do that?

The SPEAKER: The gentleman from Biddeford, Mr. Farley, poses a question through the Chair to anyone who cares to answer.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I didn't make myself clear in my remarks earlier. My answer to the gentleman's question is, crawfish can in fact be sold in the State of Maine today. As a matter of fact, there are fourteen licenses in the state of people in restaurants or wholesale dealers that do sell crawfish. So, it is not illegal to sell crawfish. Our concern, as the gentlewoman from Owls Head indicated, is that the present legislation that is on the books, we feel, provides the necessary restrictions in the handling of crawfish. If we accept the Minority Report, it completely guts those restrictions. As a matter of fact, I would go so far as to say that it makes the restrictions on the handling of crawfish much less restrictive than those restrictions on lobster. I would now hope that we could accept the Majority "Ought not to pass" Report.

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

A vote of the House was taken.

97 having voted in the affirmative, and 11 having voted in the negative, the motion did prevail.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move reconsideration and I hope you vote against me.

The SPEAKER: The gentleman from Yarmouth, Mr. Jackson, now moves that

the House reconsider its action whereby the Majority "Ought not to Pass" Report was accepted. All in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill "An Act Relating to Proceedings Before the Public Utilities Commission" (H. P. 1259) (L. D. 1554)

Tabled — May 23, by Mr. Burns of Anson.

Pending — Passage to be Engrossed.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill that was before us the other day that called for intervenors and these intervenors in utility rate cases would be paid from the fee of the utility which eventually would go back to the rate payer — a little bit confusing, I guess, isn't it? But at any rate, I think when the bill was introduced, we were told if we could allow the bill to go to second reading, there probably would be an amendment. Well, the bill has gone to second reading, it has gone beyond second reading, where is the amendment? The amendment, as I recall, was supposed to amend out the small utility. And as I recall, the problem was a local problem that involved small utilities.

I would suggest to you that probably number one intervenor under this bill would be outfits like Combat. Combat had run out of funds. They have very little money to intervene or do anything else. This is one way of providing funds. If I were going to fund Combat, I would have put in a bill to fund Combat. I wouldn't put in a bill of this type.

If you will note, today's calendar carried several bills that deal with public utilities. You have got a bill that calls for a consumer complaint division in the Public Utility. That takes care of a lot of the very things that this bill proposes to do. There is also a bill that would assess the utilities and the funds from the assessment would go to pay the expenses of the PUC. That is only fitting and proper and all of the utilities support that bill. That will enable the PUC to hire competent people to go out and gather their own information, information they want, and it is not going to be necessary to have intervenors walking in off the streets just gathering any kind of information.

Mr. Speaker, I am not going to go on at any great length, but I would move the indefinite postponement of this bill and all of its accompanying papers.

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think you are very familiar with this bill that was discussed quite thoroughly here last week and there was a substantial amount of support in the House for the intentions and the final enactment of this bill. I might relate to you that this bill — and I have talked to the sponsor about it — wasn't designed to fund Combat in any way, shape or form although Combat or other

similar organizations, citizen's groups, who wish to participate acting as intervenor in a proper fashion preparing the case as they see it, either for or against rate utility increases, will go before the PUC commission and then the judgment of the commission itself will determine whether their presentation deserves consideration as far as funding.

Mr. Berry spoke about an amendment that was suggested or even talked about before the committee on amending out the small utilities and I, believe me, oppose the suggestion very, very strongly. And I might relate to you just two minor cases that the PUC Committee had, one this session and one the last session of the legislature where it involved, in an example like Mr. Gould of Old Town happened to bring in a bill to put the Continental Telephone Company, which happened to be the company in question, in the position of providing services to the people that they so indicated they were going to, but had over the past few years either been remiss as far as money was concerned or the intention on the part of the company, failed to do so. You would be surprised at the reaction by this small company in coming to a general understanding of the people up in that area, as Mr. Gould so testified, and they very graciously accepted the fact that they had to do some renovating on the part of their service so that they could give the people in this particular area exactly what they intended to do, unfortunately hadn't been doing.

Another instance where Representative Dyar of Strong had a problem with a utility up in Somerset County, I believe it was, it might have been Franklin County, I forget the name of the utility company but I suppose I could go and look up the records and find out what it is, where they were failing really to give them the kind of service that they had been telling everyone they were going to give and what we did as a committee, we attempted to work out a negotiable agreement between this kind, small utility and servicing the needs of the people up there and the intentions of the committee, and if you will look at the legislative remarks they were, myself among others on the floor of this House indicated that if the company didn't comply with what they said they were going to do, then we would have seen fit to put a bill in the Special Session of the Legislature and certainly made them come into line of order that they were supposed to come into.

Now, the bill is as reasonable a bill as I can possible see. Here, you and I are paying for the rate utilities, for the utilities of Maine to come in and ask, in justification ask for increases before the PUC. It is your assessment dollars and mine that are paying for them to do this, and I can't for the life of me understand why we wouldn't want an independent intervenor, if he could live up to the rules and regulations as far as the PUC is concerned in preparing the case and coming before them being paid out of the same pockets that you and I are paying out to allow the utilities to go into increase their rates.

I would respectfully ask this House to oppose the motion to indefinitely postpone, hold your ground and send this good bill over to that other fine legislative body.

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

Mr. LYNCH: Mr. Speaker, Ladies and

Gentlemen of the House: I assume that this bill covers the small utilities, the water districts, sewer districts, quasi-municipal districts, and I would hesitate to see anything like this enacted, because if you know small towns, you know there is always a very vocal minority and this, I think, would encourage them more to get up to harass existing boards of trustees simply because there is a possibility held out to them that their legal fee could be reimbursed.

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

A vote of the House was taken.

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

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

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

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

Mr. PERKINS: I ask to be excused.

The SPEAKER: The gentleman from South Portland is excused.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: When this bill was first voted upon the middle of last week, the vote was 90 to 50 in support of the particular piece of legislation. I think the reason it got such an overwhelming majority of votes in this House was that a number of us recognized the significant imbalance that a lot of people have as it relates to rate cases before the Public Utilities Commission. I think that clearly what this particular bill does is establish a mechanism whereby the Public Utilities Commission, at its discretion, and I emphasize the word discretion, whereby it could appoint an intervenor within a recognized public interest group.

Now, in the debate this morning, some reference was made to minorities, people who probably represent fringe groups. I think that the commission is able enough to review who would be applying for this intervenor status and make a decision that would eliminate these minority groups from coming into the picture.

I think the nuts and bolts question in this particular issue here is right now that at the present time the utility rate payers are paying to have the commission told one side of the story, and that side of the story is that of the utility companies. Now, a lot of us seem to be concerned that it's only going to affect the major utility companies. There are, as you all know, particularly those of you who represent small rural areas, a number of independent and smaller utility companies that oftentimes come in for rate increases and nobody has an opportunity to review those cases. I think that this particular bill strengthens that intervenor process as it relates to the rate payer and his putting his case before the Public Utilities Commission.

I think the other key thing here is that despite the fact that there are bills in to put an assessment on utility rates so that you

can strengthen the staff and enlarge upon the staff of the Public Utilities Commission. In my conversations with the Chairman of the Public Utilities Commission, although the Commission did not take a stand either for or against this particular bill, they do feel that strong intervenors very much act in the public interest and they strengthen the intervenor process. So I think that's the issue here, clearly one of strengthening the intervenor process to the benefit of the utility rate payer.

I hope that all of us will support this particular legislation. We went on record last week with a vote of 90-50, and also I would like to point out that with the cost of inflation that everyone is facing today that it is only fair that the public have their point of view represented before the Public Utilities Commission and I hope that we will support this particular bill this morning.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think you have two very distinct areas in which this bill ought to be considered. One is the large utility where there are problems; the other is a small utility governed by trustees who serve at a very nominal fee, if any. By passing acts of legislation such as this, you are discouraging people from serving their communities on boards. We have reached a stage in this state now where people refuse to serve on local town governments, local school committees, and now you're moving into the utility field. If there is a problem in the large utilities, let's separate those from the small utilities, the quasi-municipal ones.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Gould.

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: If this bill will help the people in the other areas of the state as it did the people in my area, I certainly support it. Consider, if you will, the company which serves those people up there in the Northern part of my area. They had promised those people increased service for a period of two years; it came to a head on the day of the hearing. So I certainly support this bill.

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

Mr. McKERNAN: Mrs. Speaker, Ladies and Gentlemen of the House: This bill is truly a lawyer's bill and that is why I asked to be excused from voting last week and I would like to be excused again this time. But I would like to give you my reasons why I do want to be excused. The reason is that I think it is going to be hard to enforce this particular bill if it's passed, because it does give the Public Utilities Commission the right to decide which groups are going to have their attorney or their spokesperson paid, but the problem with it, as I see it, is that anybody, especially attorneys that want to get a group of people together to form some kind of an intervening group, are going to be able to come in front of the PUC and why shouldn't I be able, as an attorney, to get 35 or 40 people together in Bangor to form a group to intervene in all the public utilities and also—

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

Mr. LaPOINTE: For the reason of

inquiry, Mr. Speaker. The gentleman has said that he is not going to vote on this particular bill. He is speaking on the particular bill and I think he is influencing the outcome of the vote.

The SPEAKER: The gentlemen may proceed. There is no pending decision by the Ethics Committee and the gentleman is excused from voting at his request and not at anyone else's. The gentleman from Bangor, Mr. McKernan may proceed.

Mr. McKERNAN: Thank you, Mr. Speaker, and I am not sure I have all that much influence, but I thank the gentleman. I do want to say, though, if there are groups from Bangor, say, and other groups from Portland and other people who have groups, how is the Public Utilities Commission going to decide whether I should be reimbursed, whether somebody from Lewiston representing a group is going to be reimbursed or a group from Portland is going to be reimbursed? If they can't make the decision, then they're going to have to reimburse everybody. So I think you're going to see a lot of groups coming up; to try to intervene.

Now, if there weren't another bill pending, as the gentleman from Portland, Mr. LaPointe said, there is to increase staff, I might feel differently about this, but I just think we are opening up a chance for abuse here and since there is a bill that is going to, I understand, somehow to be funded through the utilities to provide more staff, I think that is the way we should go and not something that really could be a mistake when we look at the safeguards that are written into the particular bill now. I don't see how they are going to be able to make the decision of which groups to reimburse. I think you're going to have all sorts of intervenors coming in and it is just going to delay the proceedings.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I, too, will ask to be excused from voting, but after the comments of my learned brother at the Bar, Mr. McKernan, I did feel I had to make a comment, and that is that I couldn't disagree with him more. What you are talking about when you are talking about having intervenors funded through the utilities companies to increase the staff is that you're asking the staff of the quasi-judicial type branch to make a determination of the facts. As the good gentleman from Bangor knows full well, the system that our jurisprudential system and our administrative law system has chosen to best elucidate the facts before proceedings is an adversary one. In order to have an adversary proceeding, you have to have intervenors; in order to have intervenors, you need attorneys, so for that reason, to avoid any appearance of conflict, I will ask to be excused, but I do hope this bill receives passage.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Two very, very clever, in my opinion, smoke screens have been presented before this House for you to consider here this morning, and I just ask the House, don't be misled by them. They're very, very clever but nevertheless, I submit that they don't address themselves to the problem that we have here.

Representative McKernan had raised the point that this is a lawyer's bill. Well,

as far as I know and as far as I am sure that you people know, when any of the utilities go before the PUC for rate increases, they have attorneys and you and I are paying for them. I suspect that if an organized citizen's group formulated themselves well, prepared their case to go before the PUC either supporting or rejecting a rate request increase by a utility, that the PUC, they are very clever individuals, I know both of the men, they're understanding, they're intelligent people, I am sure that you know them as well as I do, can make judgment, and the factors here are, as Mr. McKernan indicated, some members of the Bar, who are looking out to heel their pocket. I don't think that is true; I don't think that is true, as far as the profession he represents. They are human beings who dedicate their lives, in my opinion, representing one side or another as far as the law of justice is concerned.

I am not suspicious of lawyers. I can remember in this House when members would get up and say this is a lawyer's bill, and unfortunately a good bill would go down the drain because it was a lawyer's bill, so what's wrong with that? What's wrong with lawyers? There's nothing wrong with them; it is a very honest profession; they have done well here and they have done well in Washington.

The point I am trying to make is this; if the consumer can stand to pay the freight for the utilities that go in and ask for a rate case, then why cannot an independent group representing as intervenor going before the utilities commission asking either for or not to support a particular rate increase? It is as simple as that. You people here give it an overwhelming vote. This is actually a people's bill. I have heard Jim Flanagan talk about "where are the people's bills before the legislature"? Well, here is a people's bill — mothers, fathers, anyone that you want to talk about, this is a people's bill, and all joking aside, I would hope that you would hold your ground and vote against the motion to indefinitely postpone.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: We have got a people's bill and a lawyer's bill and a half dozen other things I guess, and they think the easiest way for you to decide whether in fact it is a people's bill or a lawyer's bill is to just sit quietly for a few minutes and watch all of the attorneys in this body ask to be excused from voting. Now, that should tell you what kind of a bill it is.

I have been on the Public Utilities Committee for the whole of this session, and I can assure you that the PUC wants, they will appear and they will let you know. The gentleman from Portland has already told you that they didn't appear for or against and I submit to you, if this bill is that important to them, they would have been there.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether the second smokescreen was the one that I tried to erase, but the smoke screen is simply to separate the privately owned utilities from the publicly owned utilities, separate those trustees and directors who are paid to operate a private utility from the public members who serve

at a very minimal fee on a publicly-owned utility.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Buxton, Mr. Berry's comments about the commission's position on this particular bill, I have received a copy of a letter, a blind carbon copy of a letter, and I would just like to quote the last paragraph. "As I said on the phone, neither the commission nor I have taken a position on this bill. I do feel that strong intervenors are often very much in the public interest."

I would like to point out to the gentleman from Buxton that the reason the commission was not there at the hearing on this particular bill, they were over to the civic center attending to a rate increase that had been proposed by the Ma Bell people, New England Telephone and Telegraph, and when I called the Commissioner and asked whether he was going to come over and comment on this particular bill, I was told that that was where he was. I would like to point out that there is no public intervenor at this time before that rate case that is pending for Ma Bell.

Mr. Berry of Buxton was granted permission to speak a third time.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The reason I rise this time, I realize where the PUC was on the day of the work session, and they were present and in the room the day that bill was being discussed in work session.

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

Mr. KELLEHER: Mr. Speaker, a point of clarification. What Mr. Berry indicated is accurate to some degree. Horace Libby, I believe, was present at the hearing and not members of the PUC, and if I can remember correctly, he was concerned with the fact as far as this bill — and this is off the top of my head, I could be wrong, that they were worried about the fact that they had the proper personnel to evaluate any number of briefs that would be presented for them, and Mr. Spencer and I have got another bill in here that is going to provide them with some people. I don't believe that the PUC themselves were there.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: One would get the impression from listening to this debate this morning that when there is a PUC hearing, the public isn't represented. Frankly, that is not the case, as I understand it. Under the law, the PUC represents the public and we are paying for them. The function of the PUC is to act under the laws that this legislature makes and they are to interpret those laws. We are the ones who make the rules under which they operate. So, frankly, I don't see the need for this, and I can't see that it would do anything but expand the cost of proceedings, delay proceedings, take a great deal more time. The PUC represents the public; that is what it is there for. I don't think we need this bill.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support this bill in opposition to my good friend Mr. Morton and all of those others who are

opposing this bill, for the simple reason that he just said, yes, the PUC does represent the people. They are for that purpose. But by the same token, when a public utility or a private utility company comes before the PUC, they do have their attorneys, they do have their case well presented in a regal fashion, very strong and very convincing testimony in favor of the raise, and the people that Mr. Kelleher is talking about are there in their own perhaps inadequacies trying to present their side of the case and not doing a very good job at it. They needed help; they didn't have help. They paid much more to some of these utilities than was absolutely necessary and therefore I suggest to you ladies and gentlemen that this may cost them some money, but in the end, it could save them some. I urge you to vote against the indefinite postponement.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: In listening to the discussions here, the pros and cons, I have been made very much aware of the shortcomings of the Public Utilities Commission, and I make no bones about. We have 50 little water companies that shouldn't be under them, and I had a bill in here to increase the Public Utilities Commission to a five member commission and that went down the drain. But what I am trying to tell you, we have got 50 little water companies that shouldn't be under them at all. I met a lobbyist out here after hearing my bill, and he said, "You are not taking them out from under there." Now, I am beginning to wonder, who is running the legislature, 151 members or a handful out here in the corridor? I just wonder if they have been working on this one, because I would like to see those little water companies and sewer companies taken out from under the Public Utilities and that we go to work on the power companies and do a real job.

There was a company that did a 10-year rake in the State of Maine, and I asked them about it and they told me, do you realize this would have gone on for years and years had they not asked for a rate increase. I think this is what the discussion is all about, the short-comings and the inadequacy of the present Public Utilities Commission. I think this is where we should be taking action. We should increase the commission or increase the staff and demand a better performance from them.

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

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Byers, Call, Churchill, Conners, Dam DeVane, Dow, Dudley, Durgin, Dyer, Farnham, Fenlason, Fraser, Garsoe, Gauthier, Gray, Hewes, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, McBreairty, Miskavage, Morin, Morton, Palmer, Perkins, T.; Peterson, P.; Pierce, Raymond, Rideout, Rollins, Snowe, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Truman, Twitchell, Tyndale, Usher, Walker, Webber.

NAY — Albert, Bachrach, Bennett, Blodgett, Boudreau, Bustin, Carpenter, Carroll, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, Doak, Drigotas, Farley, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessy, Higgins, Hobbins, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, MacEachern, Mahany, Martin, A.; Martin, R.; McMahon, Mills, Mitchell, Mulhern, Nadeau, Najarian, Norris, Pelosi, Peterson, T.; Post, Powell, Quinn, Rolde, Saunders, Shute, Silverman, Snow, Strout, Talbot, Tozier, Wagner, Wilfong, Winship.

ABSENT — Carey, Carter, Faucher, Maxwell, McKernan, Peakes, Perkins, S.; Smith, Spencer, Tierney.

Mr. Tierney of Durham, Mr. Perkins of South Portland, Mr. McKernan of Bangor were excused from voting.

Yes, 67; No, 72; Absent, 9.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy-two in the negative, with nine being absent, the motion does not prevail.

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

(Off Record Remarks)

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

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

Tabled — May 23, by Mr. Peterson of Windham.

Pending — Passage to be Engrossed.

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

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

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 23, by Mr. Garsoe of Cumberland.

Pending — Adoption of House Amendment "A" (H-461) to Committee Amendment "A" (H-419)

On motion of Mrs. Berube of Lewiston, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

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

House Divided Report — Report "A" (6) "Ought not to pass" — Report "B" (5) "Ought to Pass" as amended by Committee Amendment "A" (H-407) — Report "C" (2) "Ought to pass" — Committee on Energy on Bill "An Act to Require Legislative Approval for the Construction of a Nuclear Power Plant Used by a Public Utility to Generate Electricity" (H. P. 1261) (L. D. 1555)

Tabled — by Mr. Farley of Biddeford.

Pending — Acceptance of any Report.

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

Mr. WILFONG: Mr. Speaker, I move acceptance of Report "C".

Thereupon, Mr. Farley of Biddeford requested a vote on the motion.

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

Mr. DAVIES: Mr. Speaker and Members of the House: This is a bill that has a great deal of controversy behind it. I would like to address a few comments to you before you vote on it.

There have been a number of questions of safety, environmental danger, reliability and cost of nuclear power. Too many of our state's decision making is done by agencies, bureaus and other bureaucracies and often these bureaucrats, which we have empowered with powers to make decisions on very crucial matters are the hand maidens of the agencies that they seek to regulate. There have been a number of cases where the Atomic Energy Commission and now the Nuclear Regulatory Commission have covered up and withheld information from the American people which would point out the problems and dangers of nuclear power and also the problems of many and specific nuclear power projects. These coverups raise serious questions about whether we exercise the people's will in this body or whether a handful of giant power companies and the agencies who are their hand maidens will make the decisions.

What this bill seeks to do is to grant to us, the members of this legislature, the final decision on whether a nuclear power facility will be built in the State of Maine. We are not saying that we are going to decide on all the environmental factors, on all the cost factors, on all the various factors that the agencies are specifically designated to look into, whether it be the Public Utilities Commission or the Environmental Protection Agencies, the Nuclear Power Regulatory Agencies at the federal government level. What we will be looking at will be four specific things: Where the plant will be located, how large it will be, what it will cost and who is going to be responsible for the construction and financial operation of this facility. We are not taking away the powers of any of these other agencies. We are just saying that this decision, which is of such crucial nature to the people of this state now and for many years in the future should be made by the people who are most representative, that being the representatives to the legislature and the members of the other body at the other end of the hall.

These agencies that are now empowered to look into them will continue to do so, but in addition, before any plant can be instituted, the company that wants to build it will have to present the information concerning where it will be located, what it will cost and who is going to be responsible to us.

As Albert Einstein once said, back at the beginning of the nuclear era, that the decision on nuclear power was so important that the discussions should be held on the village greens of America, and from that point, the voice of America would speak on how nuclear power should be used.

I think this bill attempts to implement that high ideal that Albert Einstein expressed. Now, when Albert Einstein gets scared about nuclear power, I get scared.

I would urge you to look at this bill, consider it very carefully, very seriously. It is not a frivolous measure, it is not one done to prevent the power companies from having a reasonable, reliable nuclear power plant constructed. But what it says is, there have been too many questions that have been raised, legitimate questions, valid questions that have to be

answered, and all too often the decisions and the answers are made by people that we ourselves in this body question every day about the wiseness of those decisions. I urge you to support Report "B".

I am a signer of Committee Report "B", but since that time, after discussion with the Attorney General's Office, I realize and I think several other people who signed the Committee Report "B" have realized that that Amendment is not a good one, it creates a bad precedent. It removes the situation from the site selection law, which I don't think we should be doing. But with the bill as it was originally written and which I am fully in favor of, it does not present that problem. It allows for all of the procedures that are now specified law to go on, but in addition, we will be acting on that final decision. So I urge you to support Committee Report "C".

The SPEAKER: The pending question is on the motion of the gentleman from Stow, Mr. Wilfong, that the House accept Report "C". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Birt of East Millinocket requested a roll all vote.

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

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I don't profess to be an authority on nuclear power, but I have watched a few things develop, and I think that probably the passage of this bill today would be a mistake.

Last week, I read in the paper about them commissioning the aircraft carrier Nimitz. One comment caught me in there that it is nuclear powered and it could stay at sea for thirteen full years without refueling.

They talk a good deal about the safety factors of nuclear plants and the fact that there are some problems there, and yet we are finding people who are living in, around, over, above and closely associated with these facilities, with these installations, and so far, I haven't heard of any problems that have developed. Several years ago, we had a submarine that went all the way around the world without surfacing. That submarine was nuclear powered.

I think that probably I hark back or think back to one piece of legislation that was passed by the Maine Legislature back some 50 years ago, and it may have been the most damaging single piece of legislation that probably was ever passed in the history of the state as far as industrial expansion and growth is concerned, and that was the so-called Fernald Law, which we thought that we had a surplus of water power and so consequently we could keep this water power in the state and probably industry would come flocking in and we wouldn't transport any power out of the state. I think that was a serious mistake and it took a good many years to get this bill off the books.

I don't think that the legislative body is

the proper body to make decisions on whether we should or should not involve ourselves in development of nuclear power, and I hope that you will defeat Report "C" and then we can accept Report "A".

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I apologize for being on my feet so much this morning, but as we all know, occasionally bills come before us that we all have a general interest in.

As a member of the Energy Committee who reported out Report "B" with an amendment on it saying that the legislature would have the final say over the sites of these new plants if the legislature did agree to allow them in different areas of Maine, and the reason I signed the Report "B" with the amendment was that if the legislature is going to take a firm position to decide whether or not we want nuclear power plants in Maine, then I think we should be circumventing the PUC and the DEP as far as the placing of these nuclear plants. I do not support the idea of not allowing the PUC to supervise the operations of the plant or setting down the rules and regulations, but if this legislature is serious about reviewing any proposals on nuclear development, and I certainly am or I wouldn't have put my name on the "Ought to Pass" Report with the amendment, I think we should go all the way and not halfheartedly. I don't think we should attempt to create what some people may consider a stumbling block. I don't necessarily agree with them. I just think that we should take the full authority right in our hands and do it ourselves.

Here we are with a body that can create a legislative financial account that can give us the expertise that we need in trying to make the judgments one way or another on allowing nuclear plants in, but let's not do it in a leap-frog fashion, as my opinion is of Report "C". I would urge the House to vote against Report "C" and then accept Report "B".

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we should draw a couple of things together here. There were three reports out of the committee; Report "A" was "Ought Not to Pass," which the majority of the committee signed; Report "B" was an amended report, which took the Environmental Protection and the PUC out of the decision of location for atomic power plants, and Report "C", the report that we are now considering, was the report saying that the legislature has to okay all atomic power plants. A bill somewhat like Report "C" was passed for the State of Vermont quite recently and hasn't been really time to see how it works.

This is one of the two bills, and I am not really sure the sponsor of this bill intended it to be so, but there were two bills put out that were really moratoriums on nuclear power. I believe the sponsor of this, particular bill had a larger thing in mind than this, but they have been labeled that. The other one has come from the other body and we will be debating it eventually.

I think we should consider, in regard to atomic power, a couple of things. There are really two alternatives open to us for electrical power if Maine is going to continue to grow and if we are going to

have electrical power in the next 10 or 15 years, and the fossil fuel, as represented by coal, is one alternative and atomic power is the other. I think it is generally agreed that oil, the resources now known, there have been some new ones discovered in our Alabama, the outer continental shelf may offer some more, but oil is fairly limited to possibly 30 maybe 40 years at the most, and we have very large resources of coal. We also have quite large resources of uranium but they are limited but new methods are being discovered to find them and we will be getting into new types of reactors, breeder reactors and things like this which will stretch this practically indefinitely.

Basically, we are talking about atomic power and coal and both of these have very severe drawbacks. With atomic power, we worry about radiation from the power plant and what it may do to people around it. We worry about the cooling water; it turns out very, very hot water, and what this will do on the environment and we worry about the handling of waste and how the waste will be transported out of the state and where it will be stored. Even if it is out of Maine, it will have to be stored somewhere and this offers some great problems.

With coal, we have equally bad problems. Most coal is going to be mined, strip mining, and this means tearing up the countryside. The President has just vetoed a strip mining bill. Smoke is a great problem. They haven't really worked out the scrubbers for the smokestacks yet and particles spewed out. There are tremendous tonnages of particles spewed out by burning of coal and, again, there is a tremendous amount of waste, far, far more than with atomic and what are you going to do with all the coal ash and this type of thing? So both of these pose really great problems. Both of them, in my mind, are only temporary solutions and the only value we are buying here, we are buying time in which to get into other solutions to our power needs, solutions such as wind, the tides, nuclear fission versus nuclear fusion, thermal temperature, power, and various things like this.

This is a highly complicated question. The quote has been used from Professor Einstein. I will point out that Professor Einstein has been dead for quite a while and there have been many changes that have happened since that time, and in his day, atomic power was generally viewed for wiping out cities and people. I think now we are beginning to see it as a generator of electricity, a mover of ships and this sort of thing.

I seriously question whether the legislature has the expertise to make a decision as to the siting of atomic power plants. I am sure that most of us know very little about it. Most of us would tend to turn to experts. The same experts are divided on their decisions as to what is safe and what is not safe, and what is good and what is not bad and we would have to turn to that. I think the way it is now handled through the federal government and through the state environmental departments and the PUC, these people are far more capable of assimilating the information available from the experts and weighing and making the decision that we would ever be. I am afraid politics would enter into any decision we made and I hope very much that we will defeat this Report "C" and will accept Report "A", which is to kill the bill.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the acceptance of Report "C" for several reasons, two of them which I will give you. Number one, presently to set up a plant like this requires a great many federal, state and local agencies approvals before, one can even be placed anywhere in our state. To add the legislature on top of this would certainly be costly and lengthy.

Number two, if we get into the field of deciding where these type of plants should go, there is no way of stopping us, that we should also amend it and include oil refineries and other types of large businesses, paper companies and new mills and what have you that are objectionable perhaps to some people.

Number three, I think we can all sit back here and realize and think how long it has taken us to decide some other very important issues that we have had before the legislature and we have had a great deal of debate on, like whether to prohibit pay toilets in the state, whether to add an extra judge to the Supreme Court, whether to give a tax break to railroads, etc., and can you imagine us sitting here with the House and Senate trying to decide where to locate a nuclear plant in this state. I hope you will vote against Report "C."

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I was one of two members of the Energy Committee to sign Report "C" which was the original legislative document, L. D. 1555. I think my very good friend from Yarmouth, Mr. Jackson, has indicated to you the issues at stake. I would just like to make one point, why I think the enactment of this bill, the passage of this bill does have some merit.

It seems to me, in the future years members of this legislature and the general public are going to have to make some policy decisions on the type of generating facilities which private power companies are going to have to build in order to meet the electrical needs of this state, and I think what this bill does, it puts the legislature and therefore the general public in the mainstream of the decision making. It allows the legislature, as a matter of public policy, to indicate whether or not a nuclear power plant should be constructed in this state, and I think if we take a look at that issue by itself, I think it's the heart of the bill. To my way of thinking, this is not a question of a moratorium on nuclear power plants, on the construction of nuclear power plants, rather, it is a question of whether or not the legislature, as a part of public policy, is going to make a determination on such construction. I wholeheartedly endorse the concept of the legislature in addition to the Board of Environmental and the PUC getting into the decision making on this process and I do hope that we can adopt Report "C."

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: When I first learned of this bill, I did have some questions about it because I did have a certain amount of reluctance towards the idea of adding another layer of review to the process that nuclear power plants

would have to go through before they could be built here, but I think what has determined me to support the bill and support Report "C" was a headline that I saw the other day. It said that Maine would be a site for a giant nuclear power park and apparently this park — and I don't have the article here — would stretch over a 40 mile area and would have not one but quite a number of nuclear plants in it. This was a plan for the future that would establish these types of parks all over the country, and this announcement apparently came from some regional group in Boston. So it seems to me that if this is the kind of thing that we are going to face in the future, I believe the Maine Legislature should have a say on what is going to happen in our state regarding nuclear power.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: In regard to the gentleman from York, Mr. Rolde, I assure this House that the major power companies in this state have gone on record as opposed to any plant.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Highly emotional nuclear scare stories proliferate; we have heard them all many times. Eminent and qualified authorities refuted them. I think it has been demonstrated pretty well that nuclear power is safe, nuclear power is clean, nuclear power is less expensive. I think we need nuclear power.

We have created agencies in this state to determine the feasibility of such plants; they have the tools, the expertise, the ability to make the determination on a rational basis, these plants take long enough to get on line as it is and if we bring the legislature into the process, it is going to delay it even more, perhaps forever.

I am sure that we all realize that many technical changes are taking place every day in this field. Certainly this is not the time to put a roadblock in the way of nuclear energy in the future in Maine. I urge you to defeat Report "C" and vote for Report "A".

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't see this particular bill as an anti-nuclear bill, which some people have been trying to raise and phrase the issue in that sense. It seems to me it is more a question of whether this legislature wants to take upon itself the responsibility of dealing with one of the major issues that will be facing this state, not to mention the nation, over the next few decades. We can easily deal with pay toilets; the question is, can we deal with something that is going to be much, much more critical? The location, the decision whether or not to expand the numbers of nuclear plants in this state and thereafter where they ought to be.

The idea of locating that nuclear park in Maine was primarily, among other reasons, because we are relatively isolated and relatively sparsely populated. Now, why is that true if the nuclear plants are as safe as in fact their records seem to have been? I think that is the kind of question, basic policy question, that this legislature has to face. If it is in fact safe, then we

don't have to worry about exposing our population to any dangers, but we ought to make that determination.

The nature of the insurance for nuclear plants is something else, but at least raises a question about safety. As I understand it, insurance companies don't write for nuclear plants; they have to be guaranteed by the federal government. Again, if they are so safe, allright, but, let's convince ourselves of that. No, we're not experts in the field of nuclear energy, but when a proposal comes to us, we will certainly be well informed by the time the decision has to be made. We will know a lot more about the implications for our own society, I think, then we do right now.

I think very often when it gets to the important problem, it gets to the complicated problem, we let the bureaucrats do it and this seems to be another situation, almost like the defense budget or something else in the U.S. Congress, the more complicated it gets, the more people want to avoid it. We can't avoid the fact that this is complicated, but it seems in addition, because it's such an important issue, we can't leave it to the bureaucrats and the regulators in the state and at the federal level. Sometime, somebody has got to come to us and present the case to us.

I have the feeling its the same kind of thing with respect to juries in our legal system. They have to be convinced in basic laymen's terms whether or not a person is guilty or innocent, even when the crime or the situation is very complicated. We don't feel we want to leave that up to expert judges to determine those kinds of things. It is the same kind of situation here, I think. Someone has got to tell us in basic, understandable terms that nuclear energy is okay, that it is all right to be sited in this area or the other and that whatever public concerns there are about its safety can be taken care of so that we can transmit that back to our people. So I urge you very strongly to support Report "C."

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

Mrs. DURGIN: Mr. Speaker and Members of the House: We now have 55 nuclear plants in operation in this country and 180 under construction and there has not been a single injury. Coal is a source of energy, but do we ever think of the hundreds and hundreds who have lost their lives in the coal mines and many others who have had their health impaired with black lung disease? Now, we can just sit back in our rocking chairs, think about what will happen, probably never will, some night we will go and push the switch, nothing will happen. We will be in complete darkness and it won't do any good to drag out the oil lamps because there will be no energy for those either.

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

Mr. PALMER: Mr. Speaker, I hesitate to speak on this but I guess I will have to say just a word or two. I have a great respect for the membership of this House and also the other body, but it does worry me slightly that we are going to take this major issue and say that in the future years this body and the other body must be the determining factor as to whether or not we are going to have a plant and where we are going to have it. We are faced here with some very serious environmental problems, and I certainly concur with the statements of the gentleman from South

Portland, Mr. Hinds, that between the federal agencies and the state agencies and those with expertise, that we have the ability now to determine whether or not we should be doing these things, and we are talking about serious environmental hazards; whether you believe it or not, the fact is, are we, as 151 members of this House, able to make that determination?

Reading in the Sunday paper yesterday or day before about the turnover of this House, the fact that we have many, many times 50 percent of the people turn over each time. We have no great continuity, except as the article pointed out, the pages, the secretaries, the clerks, etc., and yet we're saying that we are going to have this power without this continuity.

It worries me slightly, and I certainly have great faith in the DEP and the PUC to make these decisions and I worry that we should be saying now for future generations, unless we make that determination, you cannot build this plant. It seems to me it is a very serious thing for us to consider at this moment.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. Today, before any utility company can build a nuclear plant, they have to obtain as many as 30 licenses, state, federal, even the Federal Aeronautics Commission comes in on it. I think this bill here is going to put 184 people in a position to decide where a nuclear reactor will be built.

We have all heard of these horror stories; you get mail flooded here about the Bikini explosions out there, children being born deformed, etc., and let me tell you the reasons they were born deformed is because the natives went back to the islands before they were declared safe and I can prove that, too.

I could go on here for hours on this matter. I have lived with nuclear power for 20 years. I worked in a nuclear power division at the shipyard. We have had absolutely no accidents and somebody mentioned disposal of radioactive waste material. When that material, whether it is from the Yankee Atomic Plant or the Portsmouth Naval Shipyard, it is shipped to a disposal site; it is fully shielded, sometimes, especially when the core is replaced there is 70-odd ton of lead shielding that disease core, so you don't have to worry about radioactive disposal.

The opponents of nuclear power have done a pretty good job. They have been arguing now for three years whether to build a plant in Seabrook, New Hampshire, approximately 12 miles from Kittery. Each day a new group comes up and says, "We don't want nuclear power". Another thing, for five months, I have heard in this legislature, Home Rule, you're taking Home Rule away from us, this bill and that bill. Well, this bill certainly does take it away from the people. If the people in Aroostook County want a nuclear power plant, they should have it, and I don't believe any group in southern Maine should tell them what to do. Furthermore, I don't have to go to newspapers to get my information, I go to the experts. I distributed you some literature a couple of weeks ago, and I hope you took the time to read it because those, ladies and gentlemen, were facts, not written by some opponent.

I think this bill would make all of us become experts, environmental, financial,

engineering, physics, nuclear sites selection, etc. We have groups; we heard it argued here, friends of the St. John Valley, organized in Boston or New York, they opposed Dickey-Lincoln. We have groups in southern Maine, friends of intelligent land-use of oil, opposed to the refinery in Eastport. They also opposed one in Sanford, Maine, but it is groups like these, the environmentalists are always trying to say nuclear, they think of the atomic bomb which didn't do half the damage people think it did. So ladies and gentlemen, I urge you not to support this Committee Report "C."

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: First of all, this is a bill about Home Rule. As it is right now, the state has no say through its legislative bodies whatsoever. It is the Feds that have all the say. Nuclear energy development is an extremely controversial source of electrical power; its far-reaching tentacles travel in many areas, but most importantly, to the areas of safety, finances and the ability of regulatory bodies to tell the truth. It is because of its controversial nature that L. D. 1555 has been born. L. D. 1555 is similar to the Vermont Law, it is simple and conservative.

The main thrust of the bill is to have the approval or disapproval of the construction of a nuclear electrical generation plant in the hands of the legislature. It operates on the premise of that which touches all ought to be decided by all.

L. D. 1555 provides a forum for a most controversial subject, so that a decision can be made by the representatives of the people when all the information has been presented, a decision reached in the openness that is provided by legislative committee study and debate, and not one reached by a few bureaucrats behind closed doors.

Philosophically, L. D. 1555 subscribes to an idea, that was touched on by Rep. Davies about what Albert Einstein had to say, "To the village square we must carry the facts of atomic energy. From there must come America's voice."

"Leave it to the experts," may be a fatal call, especially in an ever-increasing technological and industrial society. This is not to say that experts are not needed. This is not to say that individuals can or will have sufficient knowledge but all individuals who live in this country ought to have a deciding voice in which way their country is to go. Therefore, their elected representatives must play the crucial role in the formulation and control of such cardinal matters as the development of nuclear power. Every group is directed toward its own self interest, its own perpetuation and its own expansion. This is the inner dynamics of every group in society, including nuclear power companies and the regulatory bodies set up to watch them.

There is only one group in the country that looks towards the general welfare and the common good as its own self interest, and that group is the elected representatives to government, the legislature. There the representatives of the people are charged with the prime political act; namely the formulation of policy. The legislature must have a prime role in the momentous decisions, increased dangers and enormous costs which the nuclear age presents. For if they don't, how will the people have a say, and if the

people do not have a say, what has been the point of the last 200 years.

At no other time in our history has there been more of a need for participation, real participation, not just lip service, by the people. As the times grow more complex, we must fight to save representative democracy. We must pick up the challenge that L. D. 1555 offers us in deciding Maine's policy in regards to nuclear energy.

We, as Representatives, have made a commitment to make an honest decision on whatever subject affects our people, no matter how large or how small. I am reminded of what President-elect John Kennedy said to the Massachusetts State Legislature in 1960. "For those to whom much is given, much is required." And when at some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities, our success will be measured by the answers to four questions: First, were we truly men of courage? Second, were we truly men of judgment? Third, were we truly men of integrity? Finally, were we truly men of dedication?

How will this legislature measure up, to our responsibilities of making the people's policy in regard to nuclear energy?

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

Mr. JACKSON: Mr. Speaker, there are two final points I would make here. One is, as far as the insurance, it is about equally split between public and the federal government, and the safety record has been sufficiently good so the rates have steadily dropped. The other thing I would answer to is, there has been some talk here that this isn't a moratorium. This does affect the Sears Island because it would take effect as soon as the bill goes into effect, which will be 90 days after we adjourn, and I don't know the exact figures, but Central Maine has spent a great deal of money already on Sears Island and gotten preliminary permits and this type of thing and this would make them resubmit the whole plan to us. I suppose if we didn't like the site, or if we required another site, they would be out that amount of money, so I hope you will vote against this.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, of course I think this is a very, very bad bill that we have in front of us and I would hope that we would defeat the motion to accept Report "C" and then we would go back to Report "A", the "Ought Not to Pass," because in the first place, I don't think we would ever have time to take up any other legislation if we were to consider where we are going to have a nuclear plant. Not only would the people who really do have a concern here about the safety, it would take a lot of time to satisfy them, but also I think it would take a lot more time to play politics with it and find out which community was going to get the plant so that they could get the taxes. I think this is really what it would come down to, a real political football. It is bad enough now when the utilities, as the good Representative from Kittery, Mr. Kauffman said, it's bad enough now when the utilities have to file 30 permits and spend a minimum of \$2 million before they even start to plan; they spend \$2 million just getting ready, then they will run \$20

million or \$30 million more just to get into the planning stage. It is bad enough when they have to do that, but then have to come down here to the legislature and for us to spend maybe a year on one application, and I am sure it would take that, considering the truck weight bill and the bottle bill and what we've had, I don't think we would ever have any nuclear plants built in the state of Maine.

But I think if we really want to kill off any economic expansion in the State of Maine and really put Maine right back to just a place where people can fish and hopefully I don't know where we will find the money, we can't print it but maybe we can secede from the union and start printing our own money to give people the money because they won't have any jobs, why then I would say that we ought to pass this bill. But if we are really concerned about industrial expansion in the state of Maine, then I think we ought to sluice this bill right down the drain and vote to not accept Report "C" but go along with the "Ought Not to Pass", which is the majority report of the committee.

Personally I don't care what Einstein says and I don't care what John F. Kennedy said, I don't care what the State of Vermont did, and it is quite evident that many people here don't care really what the State of Vermont did because when I offered these bills, as I said previously, for a constitutional amendment to attract industry to Maine because Vermont had it, that didn't have any impact then, so evidently it only satisfies a very few people when it comes to a special interest what the neighboring state does so I would hope that we would go along and get this in a position for the "Ought Not to Pass" Report.

Mrs. Durgin of Kittery moved that the Bill and all accompanying papers be indefinitely postponed.

Mr. Norris of Brewer requested a roll call vote.

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

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

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I just would like to make a couple of other points. This legislature has a responsibility in the formulation of policy in regards to our Constitution; that's what we are set up to do, to decide policies, no matter how tough the decision has to be. We make bad decisions, we make good decisions, but you must believe in the spirit on which this legislature and our government was founded. The spirit is the important thing. I don't understand how we could ever be an obstruction; the legislature cannot be an obstruction. We are here to represent the people and if the people are an obstruction, then maybe we had better close our doors.

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

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns,

Call, Connors, Cote, Curran, R.; Curtis, Dam, Dow, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Jacques, Joyce, Kauffman, Kelley, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, McBreairty, Mills, Miskavage, Morton, Norris, Palmer, Pelosi, Perkins, T.; Peterson, P.; Quinn, Raymond, Rideout, Rollins, Shute, Snow, Sprowl, Susi, Tarr, Teague, Truman, Usher, Walker, Webber.

NAY — Albert, Bachrach, Bennett, Berry, P. P.; Blodgett, Bustin, Byers, Carpenter, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, DeVane, Doak, Drigotas, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hutchings, Ingegneri, Jensen, Kany, Kelleher, Kennedy, Laffin, LaPointe, Laverty, Mackel, Mahany, Martin, A.; Martin, R.; McMahan, Mitchell, Morin, Mulkern, Nadeau, Najarian, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Rolde, Saunders, Silverman, Smith, Snowe, Strout, Stubbs, Talbot, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Wagner, Wilfong, Winship, The Speaker.

ABSENT — Carey, Carter, Faucher, Jalbert, McKernan, Maxwell, Peakes, Spencer.

Yes, 70; No, 72; Absent, 8.

The SPEAKER: Seventy having voted in the affirmative and seventy-two in the negative, with eight being absent, the motion does not prevail.

The pending question before the House now is acceptance of Report "C", "Ought to pass". A roll call has been ordered.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, P. P.; Blodgett, Bustin, Byers, Carpenter, Carroll, Chonko, Churchill, Clark, Cooney, Cox, Curran, P.; Davies, DeVane, Doak, Drigotas, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hutchings, Ingegneri, Jensen, Kany, Laffin, LaPointe, Laverty, LeBlanc, Mackel, Mahany, Martin, A.; Martin, R.; McMahan, Mitchell, Morin, Mulkern, Nadeau, Najarian, Perkins, S.; Peterson, T.; Pierce, Post, Rolde, Saunders, Silverman, Smith, Snowe, Stubbs, Talbot, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship.

NAY — Ault, Bagley, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Call, Churchill, Connors, Connolly, Cote, Curran, R.; Curtis, Dam, Dow, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Jacques, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, McBreairty, Mills, Miskavage, Morton, Norris, Palmer, Pelosi, Perkins, T.; Peterson, P.; Powell, Quinn, Raymond, Rideout, Rollins, Shute, Snow, Sprowl, Strout, Susi, Tarr, Truman, Walker, Webber.

ABSENT — Carey, Carter, Faucher, Jalbert, Maxwell, McKernan, Peakes, Spencer.

Yes, 68; No, 73; Absent, 8.

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

Mr. Kelleher of Bangor moves that the House accept Report "B".

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

Mr. FARLEY: Mr. Speaker, I request a division and would speak briefly on my motion.

The SPEAKER: The gentleman may proceed.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: If you are not aware of what Report "B" does, briefly, I would say that Report "B" circumvents the present Board of Environmental Protection, the Public Utilities Commission and various other agencies and leaves it right up to this body as to whether we are going to build a nuclear plant or not.

Mr. Connolly of Portland moved this matter be tabled for one legislative day.

Mr. Farley of Biddeford requested a vote on the tabling motion.

The SPEAKER: All in favor of this matter being tabled for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

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

Mr. KELLEHER: Mr. Speaker, parliamentary inquiry, please.

The SPEAKER: The gentleman may make his inquiry.

Mr. KELLEHER: Mr. Speaker, it is obvious that I don't want to see this bill killed and we have already attempted to accept Report "C," my question is, because of the closeness of the vote, is the motion to substitute the Bill for the Report in order right now?

The SPEAKER: The Chair would advise the gentleman that the motion is in order.

Mr. KELLEHER: Mr. Speaker, I move that the House substitute the Bill for all the Reports.

Mr. Norris of Brewer requested a vote on the motion.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Before we substitute the Bill for the Report, I would like to know what the difference is between the bill and these three reports.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: Well, if I understand the bill correctly, Representative Silverman, and perhaps you haven't had an opportunity to look at the amendment. Report "A" is obvious, "Ought not to Pass"; Report "B" was amended to eliminate the EIC and the PUC from their rules and regulations prior to the legislature approving or disapproving a site location acceptance of a nuclear plant and Report "C" was the bill itself. Those are basically the differences. I supported the other report, but due to the closeness in the vote I want to see this bill stay alive. I certainly will support it and hopefully there will be sufficient enough votes to keep the bill alive at this time.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House substitute the Bill for the Reports. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: A parliamentary inquiry. Will an affirmative vote on this mean that we are simply allowing the bill to replace the report and then we will subsequently vote on whether to accept the bill or not, or is this vote acceptance of the bill?

The SPEAKER: The Chair would inform the gentleman that if the vote is favorable on this, it is a favorable vote on the original bill itself and the bill will be given its first reading.

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

Mr. FIENMORE: Mr. Speaker and Members of the House: A question, which report is the bill? "C"?

The SPEAKER: The motion that was made by the gentleman from Bangor was to substitute the bill for the report and Report "C" is in fact the bill.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I still find it very hard to believe that any member of this legislature could construe the people having a say in policy. That is what we are talking about, policy. We are not talking about technical points or anything else. We are talking about policy, policy of whether the State of Maine wishes to have a nuclear power plant built or whether it wishes it not to be built. It is a very simple question but it is a question of policy and that is what our job is, to determine policy.

People in this state should have a say and we are the only way that they can have a say. They can't have a say when the Fed's have something to say on this subject. They can't have a say on any of the technical points of this subject, because when it goes before hearings with DEP, which looks at site locations or PUC which looks at need, we are looking at technical points and they have to address themselves to technical points, whether it be technical safety points or whether it be a point in terms of need. When nuclear power reaches into political and social areas in this society and that is where we come in. There are farreaching consequences in these areas. If we can't enter into it, check on our regulatory bodies and make sure that what they are telling us is the truth, then how will the people know what the truth is.

I might just bring up the point that the Atomic Energy Commission, which is the watch dog of the nuclear establishment in this country, suppressed for ten years its own studies in safety. When they found that their studies on safety were contrary to what they wanted to promote in forms of nuclear power, they suppressed that information.

We are talking about the same people who suppressed information on Watergate, on Vietnam, the people don't get straight answers. But maybe through legislative debate and committee study and the

people standing up in this body and having something to say might help get them the straight answers. Then if they come out for nuclear power, then fine. If they come out against nuclear power, then good, but at least let's have the intestinal fortitude to stand up here and make a decision.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to disagree with the young gentleman from Stow this morning. He keeps talking that this bill only pertains to policy. I think maybe I am reading the wrong bill, but I will at this time just read one portion of the bill and let you make up your own minds. "No public utility may construct an electric power generating plant which employs nuclear fission reaction as its heat source without, in addition to any other requirement of law, obtaining prior approval of the Legislature. The approval shall be in the form of a joint resolution adopted by both Houses, which resolution shall specify the location of the plant, its expected cost, its generating capability and the names of those persons who are financially responsible for its construction and operation."

If he wants policy, let's rewrite a new bill and write the policy in. I don't think that 184 people from this end can sit in judgment to this degree that this bill is written and carry on the job that should be done in the near future.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House substitute the Bill for the Report on Bill, "An Act to Require Legislative Approval for the Construction of a Nuclear Power Plant Used by a Public Utility to Generate Electricity," House Paper 1261, L. D. 1555. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, P. P.; Blodgett, Bustin, Byers, Carpenter, Carroll, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, DeVane, Drigotas, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jensen, Kany, Kelleher, Laffin, LaPointe, Laverty, Mackel, Mahany, Martin, A.; Martin, R.; McMahon, Mills, Mitchell, Mulkern, Nadeau, Najarian, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Saunders, Silverman, Smith, Snowe, Stubbs, Talbot, Theriault, Tierney, Torrey, Tozier, Twitchell, Wagner, Webber, Wilfong, Winship, The Speaker.

NAY — Ault, Bagley, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Call, Churchill, Connors, Cote, Curran, R.; Curtis, Dam, Doak, Dow, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kauffman, Kennedy, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, McBrearty, McKernan, Miskavage, Morin, Morton, Norris, Palmer, Pelosi, Perkins, T.; Peterson, P.; Quinn, Raymond, Rideout, Rolde, Rollins, Shute, Snow, Sprowl, Strout, Susi, Tarr, Teague, Truman, Usher, Walker.

ABSENT — Carey, Carter, Faucher, Gauthier, Gould, Jalbert, Kelley, Leonard, Maxwell, Peakes, Spencer, Tyndale.
Yes, 65; No, 73; Absent, 12.

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

Mr. Kelleher of Bangor moved that the House accept Report "B".

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that we will be coming in later this afternoon, and I wonder if someone would table this until later in today's session?

Mr. Kelleher of Bangor, moved that this matter be tabled until later today pending his own motion to accept Report "B".

Mr. Farley of Biddeford requested a division on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled until later in today's session pending acceptance of Report "B". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative, and 80 having voted in the negative, the motion did not prevail.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't overly fond of Report "C", but Report "B" is terrible. If nothing else, I think it exists to kill the bill, but this is my own opinion. It removes the DEP and the environmental and all these protections from it and it leaves the whole decision to the legislature and then, after having made our decision, it forces whoever builds a nuclear power plant to then go to the DEP and the environmental people to get an okay and they then may find that they can't even use the plant they have built. I hope very much you will kill Report "B".

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Earlier some people referred to an article which talked about Maine being eyed as a nuclear center and if you don't mind for a minute, I would like to read some excerpts from a particular article. The Federal Government may be eyeing the coast of Maine as a site of one in a series of giant nuclear energy centers, a center capable of handling most of the power growth of this Northeastern United States through at least the year 2,000. A three-day, high-level workshop is being held at Wentworth-by-the-Sea here this week — this was last week — to explore the feasibility of the plant that was first envisioned in the new Federal Energy Law. Each of the proposed energy centers would contain up to 40 atomic power plants the size of Central Maine Power Company is proposing for Sears Island and total power generating capacity of each center would be 60 times that of the Maine Yankee Plant at Wiscasset. It talks further about generating more waste heat than is used by the entire city of Chicago, requiring a land area up to 75 square miles, and so on, and evaporate into the air each day more water than is used in a major metropolitan city. Then the article continues; I won't go into that much detail.

The criteria makes it clear that Maine will be among the states considered. Workshop delegates were told that the

centers must be isolated from large population centers for safety reasons, must have access to an abundance of cold water for condensing steam and large amounts of vacant land. Now, this is the more important part, no one from Maine is taking part in the panel discussions. However, a variety of state agencies, private groups and Central Maine Power Company have sent observers. It just seems to me that the people of Maine, through their elected Representatives to the legislature, should have a say in such a major decision one way or the other and perhaps Representative MacLeod did have a point, and perhaps the original bill could be amended to the point where it would be just policy-making decisions. I urge that something be done, either tabled for two legislative days so that an amendment could be offered to that effect. I would request that someone make a tabling motion to that effect.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: This time I am going to be very, very brief. I only want to put one question into your mind. If it has taken this long for the legislature, just for this one body, to decide whether it is going to accept a bill or a report, just figure how long it will take when we get the actual application in front of us. We will be here all year, all right.

Mrs. Kany of Waterville moved that this matter be tabled for two days pending the motion of Mr. Kelleher that the House accept Report "B".

Mr. Norris of Brewer requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that this matter be tabled two days, pending the motion of the gentleman from Bangor, Mr. Kelleher, that the House accept Report "B". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative, and 65 having voted in the negative, the motion did not prevail.

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

Mr. GREENLAW: Mr. Speaker and Members of the House: I would like to pose a question. If we fail to accept Report "B", is Report "A" the only motion left on this particular question?

The SPEAKER: The Chair would answer in the negative, since the motion to reconsider could be made on any of the other reports.

Mr. Palmer of Nobleboro, requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House accept Report "B" on Bill, An Act to Require Legislative Approval for the Construction of a Nuclear Power Plant Used by a Public Utility to Generate Electricity," House Paper 1261, L. D. 1555.

All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Blodgett, Connolly, Curran, P., Davies, DeVane, Fraser, Goodwin, H.; Hughes, Ingegneri, Kany, Kelleher, LaPointe, Mackel, Mahany, Mitchell, Mulhern, Peterson, T.; Saunders, Talbot, Tierney, Torrey, Tozier, Wilfong.

NAY — Ault, Bachrach, Bagley, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Call, Carroll, Churchill, Clark, Connors, Cooney, Cote, Cox, Curran, R.; Curtis, Dam, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hunter, Hutchings, Immonen, Jackson, Joyce, Kauffman, Kennedy, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Martin, A.; Martin, R.; McBreairty, McKernan, Mills, Miskavage, Morin, Morton, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Quinn, Raymond, Rideout, Rolde, Rollins, Shute, Silverman, Smith, Snow, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Truman, Usher, Wagner, Walker, Webber, Winship.

ABSENT — Albert, Bennett, Byers, Carey, Carpenter, Carter, Chonko, Faucher, Gauthier, Goodwin, K.; Gray, Jacques, Jalbert, Jensen, Kelley, Laffin, Leonard, Lizotte, Maxwell, McMahon, Peakes, Powell, Spencer, Twitchell, Tyndale.

Yes, 24; No, 100; Absent, 25.

The SPEAKER: Twenty-four having voted in the affirmative, one hundred in the negative, with twenty-five being absent, the motion does not prevail.

Mr. Norris of Brewer moved that the House accept Report "A".

Mr. Finemore of Bridgewater, requested a roll call vote.

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

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether you people got a copy of this document that was sent around to all of us, but there are some interesting questions that were raised in here. For example, what are the needs for electricity for this state and the country? I don't know, I think this is a question we should find out. The sources of radiation, what are they and where do they come from? I really don't know, and I am not so sure that this House knows. I think they should take time to consider it. Thermal discharge, what is it, what does it mean, what does it do, how does it come about? Is this House in a position that they are not willing to try to answer these questions or better inform themselves? If nothing else, if Mr. Wilfong's bill doesn't go anywhere else, it can be an educational lesson for all of us in the next two or three days.

I wouldn't hastily accept the report that Mr. Norris has offered here. Let's look into these questions and see exactly what they

are. Nuclear liability insurance — some people say that we can have insurance and other people say that you can't because of the population, the density of the population and the potential danger of nuclear development. I don't know, and I am not sure that any of the rest of us know. I am positive that the Energy Committee doesn't know. That is why this bill came out here, for you people to consider what the values are as far as nuclear development. Waste disposal — what does it mean?

There are a number of questions in here, transportation in the nuclear fuel cycle, how it is transported out to these salt mines to be planted in the ground, supposedly to protect us from what — I am not sure what we are being protected from and I am not sure the House knows itself either. Why not keep this bill alive and let those questions be raised and answered in this House? What are we afraid of? We are not going to adjourn this House today and we are not going to adjourn it next week. You would be doing yourselves a favor and you would be doing your constituents a favor if you keep this bill alive for a few more days.

Mr. Bustin of Augusta moved that this matter be tabled two legislative days.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that this matter be tabled two days, pending the motion of the gentleman from Brewer, Mr. Norris, to accept Report "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that we ought to be getting down to facts now. We are going to vote on Report "A". We have voted on Report "C" twice now, one of them being the longest count in the history of the Maine House, both times being defeated. We defeated "B" and the thing that impressed me the most about the statements made by my good friend from Bangor a few minutes ago, he said we don't know the answers to these questions. He enumerated a lot of answers that we have to have, and yet, he voted to let this House have this privilege of determining whether or not we should build a nuclear plant here in the future. If he doesn't know the answers now, and most of us don't know the answers, I for one don't want to see us vote today to let this body and the other body have the sole determining right in determining when and where and how a nuclear facility will be built in the State of Maine.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: These are the very reasons I signed the bill out, simply to let the House have an opportunity to know what they are facing, and what the PUC is, facing, and what the people in Maine are facing as far as a nuclear development is concerned. I think that this House in its wisdom, or even the other branch, if and when it ever got to a point to accept a piece of legislation like this, that we would be in more of a position to staff ourselves than any department of this state. There is one thing that I know this House doesn't do,

and I know that the Senate doesn't do, and that is deny ourselves money enough to operate, no more than does the Chief Executive have to worry about money to operate as far as his department is concerned. I am not concerned about the fact of what little I know about nuclear development. I wish I knew more. This is a vehicle, in my opinion, for all of us to have a lesson in learning more.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I have tried to address myself specifically to the bill today. I hoped that you would realize that nuclear power was a controversial subject, extremely controversial.

I will have to get down to some specifics, I guess, on what makes it so controversial. I don't know if any of you know what plutonium 239 is, but is the radioactive byproduct of waste material from uranium 235, it is manufactured when nuclear fission is being used to make power, to make energy. It has a chemical half-life of 24,000 years. That means it has to be contained for 500,000 years. That is a long time.

Uranium is in short supply, good uranium, in this country. Nuclear power is at best in this country when we used the conventional types of reactors and not a plutonium breeder reactor, because at the present, it is not really known whether those things are going to be feasible or not. Uranium is in short supply. The largest deposits are found in South Africa and Australia. If we don't have good uranium in this country, could you imagine a uranium cartel in the very near future? I can, we could be in the very same boat we are in now with oil. Can you imagine what our future generations are going to think when they take a look at the plutonium 239 that they must be in charge of containing when nuclear power is no longer the power source for this planet? They are going to have to contain it.

I don't know if any of you have ever read anything about Thomas Jefferson or not, but Thomas Jefferson specifically addresses himself to the point of binding one generation to another generation. We have the right to the majority will in this country to bind ourselves to a specific way of living, but we do not have the right to bind future generations to our way of living, and that is what we are doing when we have to contain plutonium 239.

Maybe you would like to look at the financial aspect of this. It is extremely important when you are talking about electrical generation to note capacity figures. So far, nuclear power plants, the 55 that are in existence in this country, have got an average of 54 percent capacity when they were built, and thinking about 80 percent capacity. I can imagine the day might come when we get totally dependent on that when we may have to subsidize them as a utility such as we do the railroads. Don't you think that will interest the people of this state? It interests me.

I noticed a report in the Wall Street Journal that talks about a private utility in the state of Michigan that was the most solvent private utility in this country until it built two nuclear power plants and because of errors and all other sorts of plagues with the plants in construction, they now are on the financial ropes. It has cost them a lot of money, and if we become dependent, 50 percent of our energy becomes dependent upon nuclear power plants, and they become that expensive, and the power companies start getting into

problems, can't you imagine that we may have to subsidize them? We just gave the railroads a \$300 million subsidy just a couple of months ago; perhaps we could do it again for the utilities. That affects every citizen in this state. What about the bureaucratic deception? There are so many mumble-jumbles going on.

The Brookhaven's National Laboratory made a study for the nuclear power industry in 1957 and that study indicated a large catastrophe in terms of death and property damage if there were a major nuclear accident, and they used this study to pass the Price Anderson Act, and the Price Anderson Act is the subsidy that the taxpayers of this country are now paying for the nuclear industry, because private insurance companies won't insure them, only to \$60 million, and now we will insure them to \$560 million through the Price Anderson Act, and that is all we will insure them for and if it is a \$7 billion accident, so be it; we go to \$560. If you look into some of your insurance policies, you will find that in terms of property damage to houses, to automobiles, they are all negated when it comes to nuclear catastrophes and the onus of proving that you have developed maybe lung cancer or your house is contaminated from a nuclear catastrophe or an accident is upon you and not upon the companies who manufactured those reactors or the companies who sell the electricity from those reactors. After the Brookhaven Institute put this study out, and they used that to pass this Price Anderson Act in the Congress, then they disowned it, because they didn't want to have big safety questions roaming around. Now, they have got a different one, they have got Dr. Rasmussen's Report, and I sent away to the Library of Congress and got their research staff to look into it and their research staff said it was full of holes. He based it upon aeronautical accidents and the aeronautical industry said they have long disregarded this as a means for determining what is safe and what is not safe.

There are a lot of things that we should look into. We've got ears, we've got eyes, we can see, we can read, we can make a decision on this. I don't understand why we should be afraid of making a decision, that is our job. As Harry Truman once said "if you can't stand the heat, get out of the kitchen".

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to this debate now for almost three quarters of an hour. We have had all kinds of things thrown at us and I think it is a very simple solution. If you vote for Report "A", you're voting for progressiveness; if you vote for any other report, you're voting for obstructionism.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I'll go along with the gentleman from Stow one more time in that he has said he would speak to the specifics this time, and he did, but I would like to clear the record once more on another little item that I think has been taken out of context. This is from a forum on nuclear information and it has to do with the insurance rates. So, very briefly, and I am sorry for taking up your time. In a powerful vote of confidence for nuclear reactor safety, two insurance polls, announced in late April the premiums for

nuclear liability insurance in excess of \$100 million will be reduced by 20 percent, retroactive to January 1, 1975. Nuclear Energy Liability Property Insurance Association and Mutual Atomic Energy Liability Underwriters said in a joint statement the exceptional safety record complied by all nuclear power reactors in the United States is the basis for the reduction in premiums for nuclear and liability insurance.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House accept Report "A" on Bill "An Act to Require Legislative Approval for the Construction of a Nuclear Power Plant Used by a Public Utility to Generate Electricity," House Paper 1261, L. D. 1555. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Call, Connors, Cote, Curran, R.; Curtis, Dam, Doak, Dow, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Gould, Hall, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Joyce, Kauffman, Kennedy, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Martin, R.; McBreairty, McKernan, Mills, Miskavage, Morton, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Rideout, Rollins, Shute, Snow, Snowe, Sprowl, Susi, Tarr, Teague, Truman, Usher, Walker.

NAY — Bachrach, Berry, P. P.; Blodgett, Bustin, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, DeVane, Drigotas, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Kany, Kelleher, Laffin, LaPointe, Laverty, Mackel, Mahany, Martin, A.; McKernan, Mills, Mitchell, Mulhern, Nadeau, Najarian, Peterson, T.; Post, Powell, Rolde, Saunders, Silverman, Smith, Strout, Stubbs, Talbot, Theriault, Tierney, Torrey, Tozier, Wagner, Webber, Wilfong, Winship.

ABSENT — Byers, Carey, Carpenter, Carter, Faucher, Gauthier, Gray, Jacques, Jalbert, Jensen, Kelley, Leonard, Lizotte, Maxwell, Peakes, Spencer, Twitchell, Tyndale.

Yes, 75; No, 56; Absent, 18.

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

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

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

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, having voted on the prevailing side, now moves that the House reconsider its action whereby it accepted Report "A".

Mr. Wilfong of Stow requested a roll call vote.

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

A vote of the House was taken, and more than one fifth of the members present

having expressed a desire for a roll call, a roll call was ordered.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I'll be very brief. I would just like to ask you, before we take a vote on this, if you would please, vote to reconsider this. I think it is a very important issue and I think that it is an issue that deserves to be kicked around a little more. It is a long way to enactment, and if you feel definitely in your hearts that the legislature shouldn't be involved in such a way, that the people should not be involved or have a voice in this, then at another time you can vote against it. But I would ask you to please vote to reconsider it, keep it alive, give us an opportunity to perhaps work with you on some problems that you may have with the bill, or whatever, but if you definitely feel that the legislature should not have a say in the policy of this, at a later time you could change your vote. But I think it is too bad that we are just going to throw it all aside here in one day and not have any more discussion on it whatsoever.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Mr. Dam of Skowhegan that the House reconsider its action whereby Report "A" was accepted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, P. P.; Blodgett, Bustin, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, Doak, Drigotas, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Kany, Kelleher, Kennedy, Laffin, LaPointe, Laverty, Mackel, Mahany, Martin, A.; McKernan, Mills, Mitchell, Mulhern, Nadeau, Najarian, Peterson, T.; Post, Powell, Rolde, Saunders, Silverman, Smith, Snow, Stubbs, Theriault, Tierney, Torrey, Tozier, Wagner, Webber, Wilfong, Winship.

NAY — Ault, Bagley, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Call, Carroll, Churchill, Connors, Cote, Curran, R.; Curtis, Dam, Dow, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Joyce, Kauffman, LeBlanc, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Martin, R.; McBreairty, Miskavage, Morin, Morton, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Rideout, Rollins, Shute, Snow, Sprowl, Strout, Susi, Tarr, Teague, Truman, Usher, Walker.

ABSENT — Byers, Carey, Carpenter, Carter, DeVane, Dudley, Faucher, Gauthier, Jacques, Jalbert, Jensen, Kelley, Leonard, Lizotte, Maxwell, Peakes, Spencer, Twitchell, Tyndale.

Yes, 57; No, 71; Absent, 21.

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

Sent up for concurrence.

On request of Mr. Rolde of York, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was

authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mr. Rolde of York, the House reconsidered its action whereby it voted to recede and concur on Bill "An Act to Enact a Local Rental Tax Law," House Paper 1619, L. D. 1898.

On motion of the same gentleman, tabled pending the motion to recede and concur and specially assigned for Thursday, May 29.

(Off Record Remarks)

On motion of Mr. Rolde of York, Recessed until five o'clock this afternoon.

After Recess
5:00 P.M.

The House was called to order by the Speaker.

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

Mr. STROUT: Mr. Speaker, I move we reconsider our action on item 1 on page 1 on today's calendar.

The SPEAKER: The gentleman from Corinth, Mr. Strout, moves the House reconsider its action of this morning whereby it accepted the Conference Committee Report on Bill "An Act to Increase the Veteran's Property Tax Exemption," House Paper 1174, L. D. 1172.

The gentleman may proceed.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: As we see from this Committee of Conference Report, the report came out that they have amended it so that we are giving the veterans a \$4,000 exemption, and looking over this proposal, how this would affect my area, I can very plainly see that we're actually not doing anything for the veterans of the state of Maine. On a \$30,000 home in my area, the present tax would be \$272. As this bill would have it, the tax on the same home would be \$442. Mr. Speaker, what I ask for is that when the vote is taken on this, it be taken by the yeas and nays.

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

Mrs. BYERS: Mr. Speaker, I see that the sponsor of this piece of legislation is not in his seat, and I would hope that when the time is appropriate, someone would table this or wait until we take any vote.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I think this is just a matter — to get this on record — I don't believe it makes much difference whether the sponsor is here or not because I think the gentleman in question has mentioned that he is a little worried about his district and I believe he is out of Penobscot County. Well, Penobscot County has 10,551 veterans and 6,473 receive it, so in that District, it would be just about a toss up; they would be partly gaining by

this and partly wouldn't with the \$500 increase. I don't think there is any danger of going along any other way than to accept it, and I think he wants to go on record, if I remember correctly, of voting against it. So I hope we will vote against reconsideration of the acceptance of the Committee Report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I hope, too, that you will not reconsider this action. We have gone round and round and round on this veterans' property tax exemption. I think everyone has been given a chance to be heard; we have gone through Committee of Conference and, in my opinion, we have done the best that we can with it, and I hope you vote against reconsideration.

Mr. Laffin of Westbrook moved that this matter be tabled for one legislative day.

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

A vote of the House was taken.

25 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that the House reconsider its action whereby it accepted the Conference Committee Report on L. D. 1172. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Blodgett, Carroll, Chonko, Conners, Curran, P.; Curtis, Fraser, Gould, Hall, Hewes, Joyce, Kelley, Laffin, LaPointe, LeBlanc, Lewis, Littlefield, Lovell, Mackel, MacLeod, Martin, A.; Martin, R.; Morin, Norris, Palmer, Perkins, T.; Pierce, Powell, Rolde, Saunders, Snowe, Strout, Theriault, Usher, Walker, Winship.

NAY — Albert, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carpenter, Churchill, Clark, Cooney, Cox, Curran, R.; Dam, Davies, DeVane, Doak, Drigotas, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hennessey, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Jensen, Kany, Kelleher, Kennedy, Laverty, Leonard, Lewin, Lizotte, Lunt, Lynch, MacEachern, Mahany, McBrearty, McMahon, Mills, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Post, Quinn, Raymond, Shute, Snow, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Twitchell, Wagner, Wilfong.

ABSENT — Carey, Carter, Connolly, Cote, Dow, Dudley, Dyer, Faucher, Gauthier, Higgins, Hinds, Jacques, Kauffman, Maxwell, McKernan, Rideout,

Rollins, Silverman, Smith, Spencer, Truman, Tyndale, Webber.

Yes, 39; No, 87; Absent, 23.

The SPEAKER: Thirty-nine having voted in the affirmative and eighty-seven having voted in the negative, with twenty-three being absent, the motion does not prevail.

(Off Record Remarks)

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Since we are stalling for a little time here, I think today is a good day to get into the record what I have got to say.

This morning, I was rather late coming down, because I had gone to the SAD 54 high school, which is a four-million-some-odd dollar building to speak to the class on government. I think we have had a great concern with the passage of L. D. 1994 and the subsequent revisions of L. D. 1452, but I am sure that the school in my district is not the only school that is having the problems such as they are having. And the reason I put this into the record, I am hoping that maybe the Attorney General's Office might read the record, or maybe the Department of Education might.

As I walked into the school this morning, which is four and a half million dollars, roughly, and the school is five years old, and I see the ceilings falling down in the hallways and the water gushing in from outdoors because God did decide that we should have a little rain, and this has been going on for four years and a half, and any time anything has tried to be done with lawyers, lawyers don't seem to want to take a case against architects.

Now, in the time I have traveled around the state, I have seen there have been other problems in other schools, maybe not necessarily as drastic as my own, but there are problems, and I can see in the next year's budget for that school district \$150,000 to \$200,000 for repairs for something that should have been done by the architects and the contractors when the school was built.

I would also like to put into the record that a sample was taken of the roof — well, it was supposed to be a 20-year roof, guaranteed and bonded, and there is no way to collect the bond, and an independent company flown in from the State of Michigan to cut a sample from that roof and to analyze it, it shows that the roof is a twelve and a half or thirteen year roof and not a 20 year roof.

Also, we have been concerned about the cost of school education and the cost in the budget, and in the case of hot top, a \$70,000 project being charged off now as part of the general purpose subsidy for replacing hot top that has been down about four years because the contractor did not put the proper gravel base under the hot top before he applied. I think somewhere along the line maybe the Education Department and the Attorney General's Department should look at all the schools in the state that are under construction and make sure the taxpayers are really getting their dollars worth and they are not hiding these costs in future budgets and calling them repairs.

Back once in a caucus, I mentioned about hanky-panky in bus transportation, hanky-panky in the school lunch program, and we saw this in the City of Lewiston

with the theft of thousands of pounds of hamburg. So what happens in one area, you can multiply it pretty well by 50 percent across the state, and I think this is an area here where we could really save several millions of dollars in educational funds, if the Attorney General's Office and the Department of Education were to get together and force these people to live up to their commitment and also that we have a little tighter control on our school systems.

(Off Record Remarks)

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday morning, I was listening to radio station WKXA, Brunswick, and heard something which upsets me. A fellow legislator was being interviewed by news reports and contended that the following statement was made to him by a lobbyist in the State House in reference to the returnable bottle bill.

"These guys are desperate, you know this bill is worth millions to them. . . so you ought to take them for everything you can get. What is it that you need? A house, a boat, a place at the beach?"

The legislator was Senator Bruce Reeves. He refused to disclose the name of the lobbyist. He justified his refusal by saying, "It wasn't really a bribe, and I didn't take it too seriously at the time, but later I thought, God, that's the first time I've ever heard anyone bring up something like that." These quotes are from transcripts prepared for me by station WKXA.

To have these remarks go uninvestigated, to allow a possible crime to go unreported while it is broadcast to the public over radio, puts every member of this legislature in a compromising position. Senator Reeves' failure to report it might even be considered obstruction of justice. The integrity of every legislator becomes suspect when reports of bribery in the halls of the State House go unchallenged and are casually mentioned as if they were a commonplace, everyday occurrence.

Why hasn't the good Senator gone to the Attorney General? Why does he consider the radio a better means of establishing his case against lobbyists than a courtroom or a legislative committee? Does he feel that we are all so tainted that he must go directly to the public if justice is to be served?

I am not questioning the integrity of Senator Reeves, I merely ask him why he fails to see that he questions his own integrity, and everyone else's, by his irresponsible and immature treatment of a very serious subject matter.

Politicians have never enjoyed great respect, but the citizens who comprise the Maine Legislature work hard to make this legislature as open and honest as possible. Doesn't Senator Reeves realize he is single-handedly destroying the public's faith in its most important democratic institution?

I hope Senator Reeves does not allow any inference of illegal activity, even if he himself doesn't consider it to be a bribe, to go unchecked. He has gone to the Attorney General before to investigate the appearance of impropriety in one of the state agencies. Does he feel that his public broadcast of a lobbyist's offer of riches

gives any less an appearance of impropriety?

I ask the good Senator to answer these questions, and if he does not, I want him to be aware that activities such as this have certainly become suspect in at least one fellow member's eyes.

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

From the Senate: The following Communication:

May 27, 1975

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

The Governor having returned: Bill, "An Act Concerning Candidates for Public Office who are Running as Independents (H. P. 953) (L. D. 1192) together with his objections to the same. The Senate proceeded to vote on the question: Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a ye and nay vote was taken. 18 Senators having voted in the affirmative and 13 Senators having voted in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Require the Profits Realized from the Seizure of Real Estate for Delinquent Taxes to be Returned to the Owner of the Real Estate" (S. P. 400) (L. D. 1286)

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

Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Regulate the Distribution and Sale of Motor Fuels" (S. P. 204) (L. D. 737)

Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Establishing Definite Maximum Terms of Commitment to Juvenile Training Centers" (S. P. 302) (L. D. 1026)

Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Establish the Office of Canadian Relations" (S. P. 294) (L. D. 1020)

Committee on Veterans and Retirement reporting "Leave to Withdraw" on Bill "An Act to Amend Payment of State Retirement Benefits" (S. P. 393) (L. D. 1284)

Came from the Senate with the Reports read and accepted.

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

Committee on Local and County Government on Bill "An Act to Increase the Salary of the Superior Court Messenger of Cumberland County" (S. P. 64) (L. D. 186) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State" (S. P. 533) (L. D. 1901)

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-199)

In the House, the Report was read.

(On motion of Mr. Snow of Falmouth, tabled pending acceptance of the Report in concurrence and tomorrow assigned.)

Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Appropriations from the General Funds for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1975" (Emergency) (S. P. 534) (L. D. 1902) reporting "Ought to Pass" — pursuant to Joint Order (S. P. 522)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Bill "An Act Authorizing the County Commissioners of the Various Counties to Expend Funds for the Purchase of Real Estate" (H. P. 1165) (L. D. 1464) which was indefinitely postponed in the House on May 22.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-388) in non-concurrence.

In the House:

Mrs. Kelleher of Bangor moved that the House adhere.

Mr. Dam of Skowhegan moved that the House recede and concur.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It is getting late and I don't want to belabor this issue, but this is an issue the other day that was indefinitely postponed unanimously in this House in putting the County Commissioners in a position of being able to purchase real estate. I think the program that we now operate under, where they come before their legislative delegation and then go before the Towns and Counties Committee for further consideration is a process that we should not lose. So I would ask the House not to accept the recede and concur motion and that we would go back to the motion to adhere.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As far as going before the legislative delegation, the method of purchasing property now is pretty well set up in the statutes. That property which directly abuts or adjoins county property, commissioners can go ahead and buy property for parking purposes already, but the problem is sometimes that across the road from the county courthouse or county facilities, property could be for sale, but under the present law, there is no chance for the commissioners to go ahead and buy this.

Also, sometimes, federal property comes from the general service administration where the counties could purchase it at a very low price, but there is no way in the law at the present time that they can do this. However, even with this bill it does not change anything from the present statutes. It still requires the commissioners to follow the procedures outlined by the law and they are also limited as far as their borrowing capacity

or their bonded indebtedness capacity. So this is not really granting them any new or any great powers, and if it did require anything for over a long length of time, then it would still come back to the legislature because they would still have to have this in their budget as a line item in future years. It is not really giving them any blanket policy, by any means. It is merely giving them a vehicle that they can move with in case there is any federal property available or there should be any desirable piece directly across from the county facilities.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I noticed this amendment the other day and I was concerned and discussed it with my good friend from Bangor, Mr. Kelleher, and I would just read to you what it says and you can make your own decision. "The County Commissioners of all counties may expend county funds for the purpose of purchasing real estate for county purposes, including the purchasing of real estate from the federal government which is deemed necessary for county purposes". Then it goes on where it refers to the law and it says, "County Commissioners may obtain loans as provided under Section 404 for the purpose of purchasing such property". The statement of fact says, "The purpose of this amendment is to limit purchases of property to purchases of real estate and to allow borrowing to finance these purposes subject to the referendum requirements of other county borrowing."

I would say that this opens it up instead of restricting it, so I would hope that you defeat the motion to recede and concur so we might adhere and do away with this.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify one thing mentioned by the good gentleman from Brewer, Mr. Norris. In the amendment it says, "The County Commissioners may obtain loans provided under Section 404 for the purposes of purchasing such property" but I would also like to mention that this is exactly what it says in the amendment and is exactly what the good gentleman, Mr. Norris read to you; but also in that Section 404 Title 30, it spells out how the commissioners can purchase real estate or how they can acquire real estate, so the limitation is built into the present law.

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

A vote of the House was taken.

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

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

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

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

Mr. BERRY: Mr. Speaker, I would pose a question through the Chair. If we recede and concur, does that mean we are

allowing County Commissioners to be able to purchase property?

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The answer to that is yes, subject to the current provisions of the law.

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

ROLL CALL

YEA — Bagley, Berry, G. W.; Berube, Burns, Carpenter, Curtis, Dam, DeVane, Fraser, Gauthier, Goodwin, K.; Gray, Hall, Immonen, Jalbert, Kelley, Kennedy, LeBlanc, Lewin, Lovell, MacLeod, Mahany, Martin, A.; Martin, R.; Mills, Morton, Palmer, Peterson, P.; Rolde, Saunders, Shute, Smith, Snow, Sprowl, Stubbs, Theriault, Tozier, Walker.

NAY — Ault, Bachrach, Bennett, Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Bustin, Byers, Call, Carroll, Chonko, Churchill, Clark, Connors, Cox, Curran, P.; Curran, R.; Davies, Drigotas, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Gould, Greenlaw, Henderson, Hennessey, Hewes, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jensen, Joyce, Kany, Kauffman, Kelleher, Laffin, LaPointe, Lavery, Lewis, Lizotte, Lunt, MacEachern, Mackel, McBreairty, McKernan, McMahan, Miskavage, Mitchell, Morin, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Snowe, Strout, Susi, Talbot, Tarr, Teague, Tierney, Torrey, Twitchell, Usher, Wagner, Wilfong, Winship.

ABSENT — Albert, Carey, Carter, Connolly, Cooney, Cote, Doak, Dow, Dudley, Dyer, Faucher, Higgins, Hinds, Jacques, Leonard, Littlefield, Lynch, Maxwell, Mulkern, Rollins, Silverman, Spencer, Truman, Tyndale, Webber.

Yes, 38; No, 36; Absent, 25.

The SPEAKER: Thirty-eight having voted in the affirmative and eighty-six in the negative, with twenty-five being absent, the motion does not prevail.

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to adhere.

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

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

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves the House reconsider its action whereby it voted to Adhere. All in favor of reconsideration will say yes; those opposed will say no.

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

Bill "An Act to Promote Efficiency in Public Utilities" (H. P. 1315) (L. D. 1633) which was passed to be engrossed in the House on May 22.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-431) in non-concurrence.

In the House: On motion of Mr. Kelleher of Bangor, tabled pending further consideration and tomorrow assigned.

Bill "An Act Relating to Motor Vehicle Excise Tax" (S. P. 293) (L. D. 1018) which was enacted in the House on May 23.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Palmer of Nobleboro, tabled pending further consideration and specially assigned for Thursday, May 29.

Bill "An Act to Provide for the Appointment of Deputy District Attorneys" (S. P. 321) (L. D. 1098) which was passed to be engrossed as amended by Senate Amendment "A" (S-120) as amended by House Amendment "A" (H-315) thereto in the House on May 23.

Came from the Senate with that Body having insisted on its former action whereby it was passed to be engrossed as amended by Senate Amendment "A" (S-120) in non-concurrence.

In the House: The House voted to recede and concur.

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

Bill "An Act Concerning Seasonal Potato Packers under the Workmen's Compensation Act" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-178) (S. P. 362) (L. D. 1165)

No objections being noted, the above item was ordered to appear on the Consent Calendar of May 28, under listing of the Second Day.

(Off Record Remarks)

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

May 27, 1975

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

I am today returning to the Legislature without my signature and approval L. D. 672, An Act Relating to Definition of Retail Sales under Sales and Use Tax Law.

I am taking this action because I feel this bill in its present form extends preferential tax treatment to one Maine firm and thereby discriminates against other firms and individuals who must pay this tax.

Earlier today, I had requested of Legislative Leaders that this measure be withdrawn so that at some future date, but no later than the next regular session, it could be amended to include all businesses and citizens of this state. A decision was made not to recall this bill and I have no choice but to veto it.

In deciding what action to take on this veto, I feel each individual legislator should ask if he or she is being fair to the individual taxpayers and the businesses, large and small, in their areas to the extent they are not giving them the same preferential treatment that they would extend to one firm in the state.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

Was read and ordered placed on file.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: When we discussed this bill last Friday, I really knew very little about it but since then I'm questioning whether I took the right action last Friday anyway in showing that I

would override the Governor's veto, because I am wondering how many other companies this might affect. I know that this is the only large company that uses electrolysis as part of their chemical process, but I do understand that there are more companies, smaller companies, that do use this same electrolysis process so certainly they will come under this, too.

We know that there are many companies in this state that are financially not doing very well, and I am thinking in particular of Martin-Marietta, who certainly would like a tax break. We have several companies in Auburn who would like very much to have a tax break on the electricity that they use, and I am wondering who many companies do use electricity not necessarily electrolysis but I am thinking of the Keyes Fibre Company in Waterville that does use electricity to harden the paper plates that they make and possibly that could be considered part of the process of manufacturing. I am awfully afraid that we are setting quite a precedent if we do vote to allow this company and this company alone to have a tax break.

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

Mr. DAM: Mr. Speaker, in answer to the good lady who just spoke, I don't think we are setting any dangerous precedent here at all because I think all we're going actually is clarifying what the sales and use tax law does and in this process here would, with the companies in question here now, the electricity is used up in the manufacturing process and in the case of Keyes Fibre or some of these other companies, it would not be used up, it would be used to propel motors or heat equipment or lights and it's not used up directly in the process. So I don't think we are setting any dangerous precedent; and as far as other companies using this in the electrolytic system of their work, I think if there have been any other companies in the state of Maine using this process that within the past two sessions they would have been before the Taxation Committee presenting their argument as well as Sobin Chlor-Alkali and I think they would have joined together. I don't think we have any others in the same situation as this company is in the direct usage of electricity being used up to convert one product into another.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I thank Mr. Dam very much. I am wondering why this company didn't get a court decision on it then, rather than taking it to the legislature. It seems to me that is the kind of a decision we should have, whether or not it is truly a process used, is truly a raw material; therefore, the courts could have rules as such and then there would be no question about us having to figure this out in the legislature.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, to try and answer the good lady, of course this is a bill which has been before the legislature several times and we are now at the crossroads where we are in an expansion process of approximately \$40 million, which is contingent upon getting this relief for a raw material that is used in the manufacture of these chemicals, such as Keyes Fibre's pulp and the different

ingredients that they would use in order to make their paper plates and containers and so forth and so on.

I would hope that even though the Governor disagrees, I feel that this industry has been discriminated against because it came along after the sales tax was passed. There was no thought at the time that the sales tax was passed of a plant of this type or this magnitude coming into the state and certainly the people in my area and the people across the state, because if this expansion does come in, I am sure that the state will many times over realize more money than it is going to cost us.

Take the real estate taxes; the real estate taxes now are approximately \$100,000 a year. Certainly, with this increased development it should bring them up to at least \$175,000 a year, in my opinion. The increase in the corporate tax would probably increase enough with the increased development to more than overshadow what we will lose on the sales tax. So I would hope that you would hold firm with us this afternoon and follow the lead that we had Friday and override this veto.

The SPEAKER: The pending question before the House is, shall An Act Relating to Definition of Retail Sales under Sales and Use Tax Law, L. D. 672, 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, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Drigotas, Durgin, Farley, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Lavery, LeBlanc, Lewin, Littlefield, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Call, Kauffman, Leonard, Lewis, Perkins, S.

ABSENT — Carey, Carter, Connolly, Cooney, Cote, Doak, Dow, Dudley, Dyer, Farnham, Faucher, Higgins, Hinds, Jacques, Lynch, Mulkern, Rollins, Spencer, Truman, Tyndale, Webber.

Yes, 123; No, 5; Absent, 22.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Rolde of York,
Adjourned until nine-thirty tomorrow
morning.