

# 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**

Wednesday, May 28, 1975

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

Prayer by the Rev. Bruce W. Meyer of Augusta.

The journal of yesterday was read and approved.

**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 Providing Minimum Retirement Benefits for Certain Teachers" (Emergency) (H. P. 991) (L. D. 1255) ask leave to report that they are unable to agree.

Signed:  
Messrs. KELLEHER of Bangor  
POWELL of Wallagrass Pt.

Mrs. LAVERTY of Millinocket  
— of the House.

Messrs. COLLINS of Knox  
O'LEARY of Oxford  
CURTIS of Penobscot

— of the Senate.

Report was read and accepted and sent up for concurrence.

**Papers from the Senate  
Divided Report**

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-194) on Bill "An Act to Provide for a Student Member of the Board of Trustees of the University of Maine and to Delete Certain Obsolete Transitional Provisions from the Statutes Governing Appointment of that Board of Trustees" (S. P. 427) (L. D. 1393)

Report was signed by the following members:

Mrs. MITCHELL of Vassalboro  
Messrs. POWELL of Wallagrass Pt.  
Plantation

INGEGNERI of Bangor  
CARROLL of Limerick  
FENLASON of Danforth  
CONNOLLY of Portland  
TYNDALE of Kennebunkport

— 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. KATZ of Kennebec  
BERRY of Androscoggin  
THOMAS of Kennebec

— of the Senate.

Mrs. LEWIS of Auburn  
Messrs. LYNCH of Livermore Falls  
BAGLEY of Winthrop

— of the House.

Came from the Senate with the Minority "Ought not to pass" Report accepted.

In the House: Reports were read.

On motion of Mrs. Mitchell of Vassalboro, the Majority "Ought to pass" Report was accepted in non-concurrence and the Bill read once. Committee Amendment "A" (S-194) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Non-Concurrent Matter**

Bill "An Act Relating to Contracts of Teachers with Municipalities" (H. P. 1033) (L. D. 1339) which was passed to be engrossed as amended by House Amendment "A" (H-253) as amended by

House Amendment "C" (H-300) thereto in the House on May 12.

Came from the Senate passed to be engrossed in non-concurrence.

In the House: The House voted to recede and concur. (Later Reconsidered)

**Non-Concurrent Matter**

**RESOLUTION**, Proposing an Amendment to the Constitution to Establish Filing Dates for Initiative and Referendum Petitions; Clarify when the Effective Date of a Bill is Suspended by the Filing of a Referendum Petition; Clarify the Process of Calling a Special Election for an Initiative or Referendum Vote; Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People; Clarify the Petition Process; and Provide for Review of the Validity of Petitions" (H. P. 158) (L. D. 188) which was passed to be engrossed as amended by Committee Amendment "A" (H-241) as amended by House Amendment "B" (H-374) thereto in the House on May 16.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-241) in non-concurrence.

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

**Messages and Documents**

The Following Communication:  
Committee on Fisheries and Wildlife

May 27, 1975

Honorable John L. Martin  
Speaker of the House  
House of Representatives  
Augusta, Maine 04330  
Dear Mr. Martin:

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

|                                 |    |
|---------------------------------|----|
| Total Number of Bills Presented | 77 |
| Unanimous Reports               | 60 |
| Leave to Withdraw               | 19 |
| Ought Not to Pass               | 24 |
| Ought to Pass                   | 9  |
| Ought to Pass as Amended        | 7  |
| Ought to Pass in New Draft      | 1  |
| Divided Reports                 | 17 |
| Total Number of Amendments      | 9  |
| Total Number of New Drafts      | 2  |
| Total Number of Referrals       | 2  |

Sincerely,

Signed: KENNETHA. MILLS  
House Chairman

The Communication was read and ordered placed on file.

**Orders**

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Portland, Mr. Talbot, to the rostrum for the purpose of acting as Speaker pro tem.

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

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage: (H. P. 1637)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Sen. Edmund S. Muskie named National Father of the Year by the National Father's Day Committee

We the Members of the House of Representatives and Senate do hereby

Order that our contragulations and acknowledgement be extended; and further

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

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

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage: (H. P. 1638)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Roland and Theresa Moreau Foster Parents of the Year from Androscoggin County

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I can't resist but to briefly tell you that when you read of people like Roland and Theresa Moreau, it can't help but give you a warm feeling in your heart and know and realize that there are really and truly some good people and a lot of them in this world, some particularly fine people, when you realize, looking back at the record, that these people here have had 40 foster children since 1964. I think this order is well deserving, Mr. Speaker, and I move its passage.

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

Mr. Usher of Westbrook presented the following Joint Order and moved its passage: (H. P. 1639) (Cosponsor: Mr. Laffin of Westbrook)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Beverly Jensen of Westbrook, Recipient of the Herschel L. Bricker Award for Outstanding Achievement in Theatre for Her Portrayal of Lady Britomart in "Major Barbara"

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

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

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

Mr. Carroll of Limerick presented the following Joint Order and moved its passage: (H. P. 1640)

WHEREAS, The Legislature has

learned of the Outstanding Achievement and Exceptional Accomplishment of David C. Woodsome of Baldwin Wrestling Coach at Massabesic High School

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

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

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

Mr. MacEachern of Lincoln presented the following Joint Order: (H. P. 1642)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Girls Varsity Bowling Team of Mattanawcook Academy at Lincoln Girls World Candlepin Bowling Champions for 1975

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

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

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

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

Mr. Curtis from the Committee on Veterans and Retirement on Bill "An Act Concerning the Retirement Law Relating to Certain Employees of the Department of Mental Health and Corrections" (H. P. 903) (L. D. 1089) reporting "Ought Not to Pass"

Mrs. Tarr from the Committee on Public Utilities on Bill "An Act Concerning the Regulation and Supervision of Dams and Reservoirs" (H. P. 1302) (L. D. 1762), reporting "Ought Not to Pass"

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

#### Leave to Withdraw

Mr. Powell from the Committee on Veterans and Retirement on Bill "An Act Relating to Retirement Service of Legislative Employees" (H. P. 1430) (L. D. 1711) reporting "Leave to Withdraw"

Mr. Leonard from the Committee on Veterans and Retirement on Bill "An Act to Provide Retirement Benefits for State Criminal Inspectors within the Office of the Attorney General" (H. P. 1035) (L. D. 1322) reporting "Leave to Withdraw"

Mr. Call from the Committee on Election Laws on Bill "An Act to Prohibit Voter Registration with Certain Exceptions on Election Day" (H. P. 257) (L. D. 324) reporting "Leave to Withdraw"

Mr. Nadeau from the Committee on Public Utilities on Bill "An Act to Amend the Charter of the Auburn Sewerage District" (H. P. 1360) (L. D. 1662) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass with Committee Amendment

Mr. Kennedy from the Committee on

Health and Institutional Services on Bill "An Act to Amend the Eating, Lodging and Recreational Place Licensing Law" (H. P. 788) (L. D. 958) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-497)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-497) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report Tabled Unassigned

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act to Include the Maine County Commissioners Association under the State Retirement System" (H. P. 1196) (L. D. 1492)

Report was signed by the following members:

Mr. COLLINS of Knox — of the Senate.

Mrs. LAVERTY of Millinocket

Mrs. KELLEY of Machias

Messrs. MORTON of Farmington

USHER of Westbrook

LEONARD of Woolwich

NADEAU of Sanford

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

Report was signed by the following members:

Mr. O'LEARY of Oxford

— of the Senate.

Messrs. CURTIS of Rockland

POWELL of Wallagrass Pit.

THERIAULT of Rumford

MacEACHERN of Lincoln

— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: This bill, we hope, will be covered in another bill that is coming out, that is L. D. 1818. Therefore, I would like to have someone table this bill unassigned.

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

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-495) on Bill "An Act Relating to Board of Trustees of Bath Water District" (H. P. 463) (L. D. 565)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot

Messrs. CYR of Aroostook

GREELEY of Waldo

— of the Senate.

Mrs. SAUNDERS of Bethel

Messrs. GRAY of Rockland

SPENCER of Standish

NADEAU of Sanford

LEONARD of Woolwich

Mrs. TARR of Bridgton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-496) on same Bill.

Report was signed by the following members:

Messrs. KELLEHER of Bangor

BERRY of Buxton

LUNT of Presque Isle

— of the House.

Reports were read.

(On motion of Mr. Rolde of York, tabled pending acceptance of either Report and tomorrow assigned.)

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide Income Tax Credits for Eligible Businesses" (H. P. 935) (L. D. 1177)

Report was signed by the following members:

Mr. MERRILL of Cumberland

— of the Senate.

Messrs. SUSI of Pittsfield

TWITCHELL of Norway

DRIGOTAS of Auburn

MAXWELL of Jay

COX of Brewer

IMMONEN of West Paris

MORTON of Farmington

DAM of Skowhegan

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-492) on same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington

JACKSON of Cumberland

— of the Senate.

Messrs. FINEMORE of Bridgewater

MULKERN of Portland

— of the House.

Reports were read.

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

Mr. DRIGOTAS: Mr. Speaker, I move acceptance of the Taxation Committee's "Ought not to pass" Report.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Drigotas, moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: This is a little small-bill-we-tried-to-get-by-to-help-new-industries-coming-into-Maine. I am not going to debate it long and try to pass something that probably is impossible, but this is a credit on tax of any new business coming into Maine. I might say that this calls for an eligible business, which is a new business, which will produce something in the State of Maine that never previously has been produced on a commercial scale, with new facilities and everything like that. It is complete new business, something that isn't going to interfere with a business that is already here.

During the second year of the operation, the amount of 50 percent of the income tax will be deductible. The first year it would be completely deductible. After the third and fourth years — excuse me, it would be 50 percent the third and fourth years, and the fifth year at 15 percent. This is a completely new business, a business that has never done business in the State of Maine. This would be similar to the bill that we overrode the Governor's veto on last night. It is something that is just bringing in more labor to Maine if someone wanted to come. We find there are two or three business that are quite interested in coming.

It is estimated that there would be no loss or no gain of revenue. There is no fiscal note on it asking for any increase or any loss of revenue whatsoever. This bill

would encourage the location of new business in the state by providing a tax credit, but discrimination against existing businesses would be avoided, since the credit applies only to businesses producing products not previously produced on a commercial scale in Maine and where no facilities previously existed to produce that product commercially.

I don't think we are asking for too much with this bill. We are asking something that is brand new. I want you to understand that this morning. This is a new item; it is something that isn't going to be in competition with anything else that is already in the State of Maine. God knows, with the percentage of unemployment we have now, anything would help us.

As we have already stated, there is no tax loss to the state, because there wasn't any here. In the years to come, after this runs out, there could be a tax base here for the State of Maine and an income.

I hope this morning you will defeat the motion of the "Ought not to pass" Report and accept the "Ought to pass" Report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The bill that you have before you here now had tremendous appeal to the Taxation Committee. It has written all over it an attempt to make for a more favorable business climate here in the State of Maine, and I think we all have commitments in that direction. But to the majority of the committee, as we became more and more acquainted with it and tried to think through the problems connected with it, it had problems that to the majority of us seemed insurmountable.

Mainly, I believe that it is difficult if not impossible to administer, and often I attack particularly taxation bills on this basis, in that no matter how good the motivation is on legislation, unless you can administer it so that it is perfected, you had better leave it alone. I think this bill comes under that category.

One problem that it has with it is that there are some products that to my knowledge have not been produced commercially in this state; namely, such things as methanol, oil, aluminum was considered recently and others, and if the decision were made to establish a plant producing one of these products here in the State of Maine, the determining factor would not be this exemption that is offered under this bill. So we would be in the position of granting credits to a firm unnecessarily, perhaps in substantial amounts. We talked about how this might be overcome and possibly you could cook up some amendments to take care of it. But to establish what has been produced commercially and what has not been produced commercially in the State of Maine previously is practically an impossible thing to do, in my opinion.

There is no file known to us in the committee of products that have been produced in Maine, and so we talked about the possibility that you might put an amendment in saying that is "currently being produced." It might be easier to determine what the few thousand products are that we do produce here in Maine now. Then that leads to the situation of possibly outfits relocating here that were profitable, coming on a tax break

incentive, and that didn't have that much appeal.

We spent a lot of time on the bill, and I think it has more problems than benefits, and I hope you support the Majority "Ought not to pass" Report.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: In view of the remarks the gentleman from Pittsfield, Mr. Susi, and also those of the gentleman from Bridgewater, Mr. Finemore, it appears there may be some good in this, and in our attempt to move along and encourage this sort of thing, I wonder if it wouldn't be the wisest thing to do right now, where we are still going to be here for a few more days, just table it for one day and see if we can't work out some of these difficulties. I hope there would be no objection to that and someone would table it for a day.

Thereupon, on motion of Mr. Farnham of Hampden, tabled pending the motion of Mr. Drigotas of Auburn to accept the Majority Report and tomorrow assigned.

#### Consent Calendar

##### First Day

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

Bill "An Act to Expand the Authority of Pharmacists to Dispense Drugs by their Generic Names" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-494) (H. P. 176) (L. D. 200)

Bill "An Act Establishing the Termination Date of the Vietnam War for Purposes of Certain Veteran's Benefits Under State Laws" — Committee on Veterans and Retirement reporting "Ought to Pass" as amended by Committee Amendment "A" (H-493) (H. P. 1596) (L. D. 1886)

Bill "An Act Relating to Teacher Certification" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-500) (H. P. 1069) (L. D. 1349)

Bill "An Act Relating to the Regional Technical Vocational Centers and the Vocational Education Regions" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-501) (H. P. 1278) (L. D. 1811)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 29 under listing of the Second Day.

#### Consent Calendar

##### Second Day

In accordance with House Rule 49-A, the following items were ordered to appear on the Consent Calendar for the Second Day:

Bill "An Act to Cause the Aroostook County Commissioners to Hire a Full-time Aroostook County Commissioners to Hire a Full-time Administrative Assistant" (H. P. 1362) (L. D. 1664)

On the request of Mr. Dam of Skowhegan, was removed from the Consent Calendar.

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

Bill "An Act Creating Cumberland

County Commissioner Districts and Decreasing the Annual Salary of Cumberland County Commissioners" (C. "A" H-476) (H. P. 252) (L. D. 322)

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

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-476) was read by the Clerk.

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending the adoption of Committee Amendment "A" and tomorrow assigned.)

Bill "An Act Amending the Powers and Duties of the Maine Committee on Aging to Include the Inspection of Nursing Homes" (C. "A" H-473) (H. P. 103) (L. D. 126)

Bill "An Act Concerning Municipal Property Tax Bills" (C. "A" H-477) (H. P. 940) (L. D. 1313)

Bill "An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Kennebec River" (Emergency) (C. "A" H-480) (H. P. 1179) (L. D. 1471)

Bill "An Act to Establish Legislative Control over Licensing Standards for Ambulance Services and Personnel" (C. "A" H-481) (H. P. 1348) (L. D. 1653)

Bill "An Act Relating to Private Visitation and Rehabilitative Process at Correctional Institutions" (C. "A" H-484) (H. P. 1181) (L. D. 1474)

Bill "An Act Relating to the Maine Dairy and Nutrition Council" (C. "A" H-486) (H. P. 642) (L. D. 825)

Bill "An Act to Authorize any Alleged Rape Victim to Obtain Physical Examination by her own Physician and at the Expense of the County in which the Alleged Rape Took Place" (C. "A" H-485) (H. P. 1372) (L. D. 1685)

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

Bill "An Act to Institute a Fee System for Hospital, Nursing Home and Boarding Home Licenses to Fund Costs of Licensing" (C. "A" H-482) (H. P. 1129) (L. D. 1405)

On the request of Mrs. Post of Owls Head, was removed from the Consent Calendar

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-482) was read by the Clerk.

(On motion of Mrs. Post of Owls Head, tabled pending the adoption of Committee Amendment "A" and later today assigned.)

Bill "An Act Relating to Roads and Wyas" (C. "A" H-487) (H. P. 1478) (L. D. 1704)

Bill "An Act Appropriating Funds to Renovate Indian Dwellings on the Penobscot Indian Reservation" (C. "A" H-489) (H. P. 1377) (L. D. 1708)

Bill "An Act Relating to Marital Rights in Partnerships Property under the Uniform Partnership Act" (H. P. 868) (L. D. 1045)

Bill "An Act Relating to Transfer of Offenders Among Correctional Institutions, Residential Facilities and Programs" (C. "A" H-483) (H. P. 827) (L. D. 1010)

No objections having been noted, were

passed to be engrossed and sent to the Senate.

Bill "An Act to Clarify the Laws Relating to Marine Resources" (C. "A" S-179) (S. P. 276) (L. D. 934)

On the request of Mr. Greenlaw of Stonington, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (S-179) was read by the Clerk.

(On motion of Mr. Greenlaw of Stonington, tabled pending the adoption of Committee Amendment "A" and later today assigned.)

Bill "An Act Relating to the Maine Law Enforcement Planning and Assistance Agency" (S. "A" S-182) (S. P. 173) (L. D. 553)

Bill "An Act Concerning Seasonal Potato Packers under the Workmen's Compensation Act" (C. "A" S-178) (S. P. 362) (L. D. 1165)

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.

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

Mr. KELLEHER: Mr. Speaker, I move we reconsider our action of earlier today whereby we voted to recede and concur on Bill "An Act Relating to Contracts of Teachers with Municipalities," House Paper 1033, L. D. 1339.

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

#### Passed to Be Engrossed

Bill "An Act Exempting Transactions in Securities of Commodity Accounts made with a Broker-dealer Registered on the Commodities Futures Trading Commission from the Consumer Credit Code" (H. P. 1630) (L. D. 1905)

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) (L. D. 1906)

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 Relating to the Binding of Logs and Revising Certain Fines" (H. P. 1629) (L. D. 1903)

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

(On motion of Mr. Fraser of Mexico, tabled pending passage to be engrossed and specially assigned for Friday, May 30.)

#### Second Reader Tabled and Assigned

Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-five and Nineteen Hundred and Seventy-six (Emergency) (H. P. 1636) (L. D. 1904)

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

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

#### Second Reader Amended

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

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

Mr. Jensen of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-498) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" and sent to the Senate.

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)

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

#### Amended Bills

Bill "An Act Amending Laws Relating to Coeducational Program in Juvenile Training Centers" (H. P. 772) (L. D. 943) (C. "A" H-479)

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

#### Second Reader Tabled and Assigned

Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 99) (L. D. 106) (C. "A" H-466)

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

(On motion of Mr. Martin of St. Agatha, tabled pending passage to be engrossed as amended and specially assigned for Friday, May 30.

Bill "An Act Establishing a Consumer Complaint Office within the Public Utilities Commission" (H. P. 1019) (L. D. 1298) (C. "A" H-465)

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

#### Second Reader Tabled and Assigned

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) (C. "A" H-472)

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

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: During the last 24 hours, we have been pursuing the possibility of extending Title 19 of the Medicaid program. It is, as I suspected, a much more broad thing to do than just prescription drugs for the elderly. But

number one, you cannot, when you extend Medicaid, split age groups in a service group category. For instance, you cannot take potential SSI recipients, that is people who don't quite qualify for SSI and therefore do not get prescription drugs, you cannot take them and break them out from the other people in that category, such as the blind and the disabled.

Also, you cannot split up categories. If you are going to give to potential blind, aged and disabled, you must also extend the program to other potential low income people; for instance, AFDC recipients. Also it appears that you cannot extend in just one service category. You must extend in at least five categories. For instance, you cannot extend in just prescription drugs, you would have to choose possibly four other services, such as appliances, diagnostic care, out-patient care and X-ray care.

The Department cannot right now put a price tag on such a program. They have absolutely no idea of the cost of non-prescription drugs, since this is something which has never been explored before. It would be my feeling that if we are going to do anything about the extension of Title 19 of Medicaid, this is something which should be studied, perhaps by the Health and Institutional Services Committee, and reported to the next special session in January. The only way I can see, if we want to fund prescription drugs and non-prescription drugs, per se, for the elderly at this session, I would say the only way we can do it is if someone wants to propose an amendment to provide straight state funding for the program.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: In the discussion that we had on this bill the other day, I was struck by the argument of the gentleman from Sanford, Mr. Lovell, who said we should pass this bill because it would be a vehicle so that the Governor could make application to private foundations and receive private funds for free drugs for the elderly. With that in mind, I asked my assistant, Barry Valentine, to contact the Governor's office to see if they had taken any steps in that direction, and I received a report back from them which I would like to read to you. He says, and I quote, "I contacted both Carolyn Manson and Ralph Lowe in the Governor's office to determine if any attempt had been made by the Governor to contact organizations or foundations that would be potential contributors to the charitable funding sought in this bill. To their knowledge, such contact had not been made, pending outcome of the legislation. However, Mr. Lowe suggested that I contact Commissioner Smith, as he (Smith), and the Governor may have been in contact on this issue and that Commissioner Smith might be able to provide some information."

"I contacted Commissioner Smith and inquired as to the availability of a possible list of organizations or foundations as mentioned above. Commissioner Smith said that the Department of Health and Welfare has no such information and that if it existed, it probably would be located in the Governor's office and that I should contact Ralph Lowe."

Thereupon, on motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed as amended and specially assigned for Friday, May 30.

**Second Reader  
Tabled and Assigned**

Bill "An Act Concerning the Transportation of Long Logs by Combination Vehicles" (H. P. 1166) (L. D. 1465) (C. "A" H-488)

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

(On motion of Mr. Jensen of Portland, tabled pending passage to be engrossed as amended and specially assigned for Friday, May 30.)

**Second Reader  
Tabled and Assigned**

Bill "An Act to Increase Certain Hunting and Fishing License Fees" (H. P. 464) (L. D. 566) (C. "A" H-369)

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

(On motion of Mr. Dow of West Gardiner, tabled pending passage to be engrossed as amended and tomorrow assigned.

**Passed to Be Enacted  
Emergency Measure**

An Act Relating to Suspension of Employees of State Institutions with Pay Pending Disposition of Criminal Charges (H. P. 266) (L. D. 313)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 104 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Realign and Clarify Administrative Responsibilities in the Bureau of Banks and Banking and the Bureau of Consumer Protection (H. P. 714) (L. D. 890)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 104 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act Amending the Law Regulating Municipal Debt (H. P. 1184) (L. D. 1482)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 109 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure  
Reconsidered**

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

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

On motion of Mr. Pierce of Waterville, under suspension of the rules, the House

reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption. House Amendment "A" (H-503) was read by the Clerk and adopted.

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

**Emergency Measure**

An Act to Provide for Citizen Gardens on Suitable State Land (H. P. 1294) (L. D. 1574)

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

On motion of Mr. Peterson of Windham, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption. House Amendment "A" (H-504) was read by the Clerk.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: A brief explanation on this amendment. It simply removes the emergency clause from this L. D. It seems that one of the branches of the legislature is having trouble with the emergency on this, so I am removing the emergency clause and hopefully we can pass on it at a later date.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Windham, Mr. Peterson. The question is this, I support your bill, and you know I have done some work with you on it, but hoping to get this into a position where the citizens of Maine can use this available land, there is no way in the world that we can negotiate with the other body in attempting to have them pass this without taking emergency off it?

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

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: In my estimation, after communications with all members of both branches of the legislature, it seems to me that it would be most difficult to get this bill through with an emergency clause. I think it would be rather easier to get it through as a simple piece of legislation, but with an emergency clause, I think I would have trouble in one or the other bodies of this legislature.

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

Mrs. MORIN: Mr. Speaker and Members of the House: If the emergency is taken off this, it will be too late to make gardens anyhow, won't it?

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I don't like to do this any more than anyone else, and it will mean that gardens for this summer, as proposed under this legislation, may not come into fruition, but hopefully there will be more summers. I hope the legislature

does not indefinitely postpone future summers.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: We have a public project, or the state has a project up in Bangor, using the lands adjacent to the Bangor State Mental Institute for public gardens. I might say to this House, it has been a very successful program. I can't for the life of me see why we should put this amendment on to take the emergency clause off. I think this body is sufficiently strong enough to present their arguments one way or another to that other great institution at the other end of this building. So I move the indefinite postponement of the amendment.

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

Mr. PETERSON: Mr. Speaker, a point of parliamentary inquiry. Am I in a posture to withdraw this amendment if the gentleman from Bangor withdraws his motion?

The SPEAKER pro tem: The Chair would answer in the affirmative.

Thereupon, Mr. Kelleher of Bangor withdrew his motion for indefinite postponement of House Amendment "A".

Mr. Peterson of Windham withdrew House Amendment "A".

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I thought we were sent here to help the people not to hinder them, and if we are going to abide by the Senate, we are hindering the people. I think that is pretty darn poor on their way of thinking about the people in Maine that we are supposed to be here to help, and I hope that you would not go along with them.

Thereupon, the Bill was passed to be engrossed.

The SPEAKER pro tem: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of the entire elected membership of the House. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken. 105 having voted in the affirmative and 3 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.

**Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 110 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act to Require Owners of Boarding Homes, Nursing Institutions and Certain Other Living Accommodations to Account

for Funds of Persons Under Their Care (S. P. 81) (L. D. 254)

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

An Act Providing Funds for Seriously Disturbed Children in Maine (S. P. 280) (L. D. 992)

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.

#### Enactor

##### Tabled and Assigned

An Act Relating to the Maintenance of Vital Records (S. P. 322) (L. D. 1099)

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

(On motion of Mr. Curran of South Portland, tabled pending passage to be enacted and specially assigned for Friday, May 30.)

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

An Act to Create a Commission to Prepare a Revision of the Eminent Domain Statutes (S. P. 426) (L. D. 1392)

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

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

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

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

Mr. TIERNEY: Mr. Speaker, I now move that this Bill be passed to be enacted.

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

Mrs. LEWIS: Mr. Speaker, I would like to ask a question about this bill. On looking at page 4 of the bill, number three of the rules and regulations, it states that if people who are in the mobile homes don't meet the regulations of the park as far as paying their rent or not obeying local, state and federal laws, or they are damaging the property or other other tenants, that they can be evicted. But then if you look down to number seven, it says if this park wishes to evict you, it must give you 60 days advance notice. I am wondering if these are very unruly people, if they have to be given 60 days notice before they can be evicted? I wonder if somebody could answer that?

The SPEAKER pro tem: The gentleman from Auburn, Mrs. Lewis, has posed a question through the Chair to anyone who may care to answer.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I can't answer the questions specifically that the lady has asked, but I know that some of the portions have been amended out of the bill and that a conference was held between the landlords and the tenants who operate mobile home parks, and they came to an agreement on this bill. As far as I know, this bill is now in good order.

Thereupon, the Bill was passed to be

enacted, signed by the Speaker and sent to the Senate.

An Act Relating to Unlawful Discrimination in the Extension of Credit (H. P. 337) (L. D. 420)

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.

#### Enactor

##### Tabled and Assigned

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

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

(On motion of Mr. Drigotas of Auburn, tabled pending passage to be enacted and specially assigned for Friday, May 30.)

An Act Amending Certain Laws Relating to Games of Chance (H. P. 483) (L. D. 602)

An Act Relating to Absentee Balloting in Municipal Elections. (H. P. 562) (L. D. 701)

An Act Creating the Maine Pesticide Control Act of 1975 (H. P. 653) (L. D. 826)

An Act to Clarify the Jurisdiction of the Juvenile Court in Matters Arising under the Boating Laws (H. P. 948) (L. D. 1186)

An Act Amending the Coastal Conveyance of Petroleum Act (H. P. 1126) (L. D. 1403)

An Act to Provide for Specimen Ballot Instructions Written in the French Language (H. P. 1132) (L. D. 1424)

An Act Relating to the Advisory Council on the Status of Women (H. P. 1138) (L. D. 1432)

An Act Relating to Property Insurance under the Maine Consumer Credit Code (H. P. 1201) (L. D. 1496)

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

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

#### Enactor

##### Tabled and Assigned

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

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

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

Mr. LIZOTTE: Mr. Speaker, I would like to have this matter tabled for two legislative days, please.

Thereupon, Mr. Tierney of Durham requested a vote.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Biddeford, Mr. Lizotte, that this matter be tabled pending passage to be enacted and specially assigned for Friday, May 30. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

An Act to Provide for State Reimbursement of Local School

Administrative Units which Send Pupils to Secondary Vocational Schools Located Outside of Maine (H. P. 1213) (L. D. 1527)

An Act to Extend the Statute of Limitations on Claims under the Workmen's Compensation Statutes where Payments are Made on Account of Injury (H. P. 1236) (L. D. 1541)

An Act Relating to the Officials, Judges and Starters at Harness Horse Race Meets (H. P. 1256) (L. D. 1552)

An Act Concerning Off-duty Court Appearances by Law Enforcement Officers (H. P. 1387) (L. D. 1692)

An Act Relating to Payments to Nursing Homes (H. P. 1397) (L. D. 1715)

An Act Converting Hamlin Plantation into the Town of Hamlin (H. P. 1502) (L. D. 1826)

An Act to Amend Certain Procedures for Issuing Bonds under the Charter of the York Beach Village Corporation (H. P. 1515) (L. D. 1841)

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

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

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair wishes to thank the gentleman from Portland, Mr. Talbot, for having acted as Speaker pro tem. The Speaker listened to him in the office, and he did an excellent job.

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

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

House Divided Report — Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-460) — Minority (5) "Ought Not to Pass" — Committee on Agriculture on Bill "An Act Making Potato Processors Subject to Certain Provisions of the Licensing and Bonding of Potatoes." (H. P. 794) (L. D. 967)

Tabled — May 23, by Mr. Mahany of Easton.

Pending — Motion of the Same Gentleman to Accept the Majority "Ought to Pass" Report.

On motion of Mr. Rolde of York, tabled unassigned pending the motion of Mr. Mahany of Easton to accept the Majority Report.

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

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

Tabled — May 23, by Mr. Jacques of Lewiston.

Pending — Passage to be Engrossed.

On motion of Mr. Jacques of Lewiston, tabled until later in today's session pending passage to be engrossed.

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

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

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



Pending — Acceptance of House Amendment "A" (H-405)

Thereupon, House Amendment "A" was adopted. The bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

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

Senate Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Energy on Bill "An Act Relating to Nuclear Power Plant Construction" (S. P. 381) (L. D. 1232) — In Senate, Indefinitely Postponed.

Tabled — May 23, by Mr. Farley of Biddeford.

Pending — Motion of Same Gentleman to Accept the Majority "Ought Not to Pass" Report.

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

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

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

Tabled — May 23, by Mr. Bustin of Augusta.

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: If you recall, this bill was tabled on Friday. It has been tabled twice and I would ask this morning that if there is a motion made to table it that we defeat it, so that we can debate this bill and perhaps dispose of it one way or the other today.

I don't think there is any question about it, in the past week the oil lobby has been in this legislature and has lobbied very, very hard against this bill. I am not going to repeat the rather lengthy remarks that I did make on Friday but I wish very briefly, to outline the contents of the bill so perhaps your memory can be refreshed and we can debate the bill today and take a vote on it. This bill requires super tankers in excess of 115 thousand dead weight tons the following requirements: double bottoms with segregated ballast, a flue gas inerting system, lateral thrusters or twin screws, or adequate and continual tug assistance.

I think the concern that was offered in the bill and the concern that the majority of figures that Marine Resources offered was simply to provide some protection to our coastline and to our Marine Resources when, and if, super tankers do enter Maine coastal waters. I would also indicate to you that the committee did, through an amendment, increase the minimum weight in the bill to grandfather the Imperial Ottawa which presently does come into Portland Harbor and feeds the Portland pipeline.

As I indicated on Friday, I do think this is a very significant piece of legislation. I do regret very much that the lobbyists have been in here and I think to some extent, has made some misleading and deceiving statements and I hope very, very sincerely, that we could pass this bill today and hopefully file the enactor.

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

Mr. MILLS: Mr. Speaker and Members of the House: As a minority signer on this bill, the evidence that was presented to the committee by the Admiral of the United States Coast Guard, who is in charge of the whole affair by order of Congress; he is opposed to this bill, he is opposed to the construction of this ship. Therefore, I move the indefinite postponement of this bill and all its accompanying papers and would speak further to the motion on the effect that this is going to have.

Here is another one of those bills that is aimed directly at Eastport and what we are trying to do down there so we can live. Now, under the circumstances, there is so much evidence here that opposes this bill that the House should be aware of it, and one of those things is, that no ship of this design as required in this bill, is on the drawing boards anywhere in the naval architectural structure of this country. It isn't on any foreign country and what this will do is attempt to regulate international shipping lanes which are regulated by the Law of the Sea Conference which is now under debate on just one of these items.

I find that under the circumstances we would be putting the state in a very precarious position in attempting to regulate three miles of our water along the coast and attempt to override what the Law of the Sea Conferences set up in previous years and what the international laws that govern the whole thing, have set up.

Therefore, I believe we should indefinitely postpone this bill and all its accompanying papers as it's going to be a perilous thing to pass for the state to have to contend with.

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

Mr. MACMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I prefaced my comments last Friday, you will recall, by apologizing for the fact that I was going to speak for a long time, longer than I like to and longer than I usually do. I resolve that I would not do that this time especially since the bill was tabled after I did give my speech last Friday.

I would rise, however, to make a few points to rebut the good gentleman from Eastport. Now, the committee was kind enough to invite me to sit in on the meeting with the Admiral from Washington and as Mr. Mills indicated, he was there but my reaction to the Admiral's comments, was quite different than that of the good gentleman from Eastport. The Admiral spent a lot of time talking about the Portland Waterway Safety Environmental Quality and the Portland Waterways Act, a copy of which I have here, which is the governing federal law that allows the Coast Guard to set up traffic control systems and other measures within ports. In no way, did the Admiral definitely state that he was opposed or the Coast Guard was opposed to this bill. Regarding the legal aspect of this in anticipation of the question of constitutionality, the Admiral did raise that question, as did Mr. Mills, I believe, and his comments — we went to the Attorney General's office and we asked for an advisory opinion on this subject. Now, I will not read it to you since it is five pages long but in four different areas the Admiralty Clause, the Supremacy Clause, the Equal Protection Clause and the Commerce Clause, this opinion gives this bill a clean bill of health.

Now, oil enters the sea several ways, one

way is by deliberate pumping overboard of oily ballast water. Now, Imco which is the Intergovernmental Maritime Consultive Organization, which is an agency of the United Nations, has started a motion, regulations which sharply reduce the source of contamination. The weak link in the enforcement procedure, however, is that infractions can only be reported to the country where the offending ship is registered. It is reasonable to expect good co-operation in this area among some major maritime nations who are more than well aware of the damage being done to their own waters and shores but with flags of convenience, it is quite another matter. The very reason that so many ships are registered in these small countries is to escape regulations and responsibility.

Another way that oil enters the sea is as a result of tanker casualties, fires, explosions, groundings, structural failures, breakdowns and collisions which happen with such alarming frequency. While these are all accidents, most of them could have been prevented as various inquiries have clearly shown and I did mention Friday and I will repeat for the record that I do have before me, two statistical studies which will offer the various statistical proof if it is asked for, to back up the contentions that we will present to you today. As long as there are no effective safety regulations for tankers, the owners will not voluntarily reduce their profits to pay for safety features and the people will continue to pay for the accidents.

Very large crude oil carriers or super tankers constitute the most economical form of transportation ever devised by man. Economy is a top priority in their design, construction, maintenance and operation. Their defenders like to point out how these economies are reflected in lower prices for gasoline and oil but they ignore the fact that tanker owners have been making the most sensational profits in the history of the world. The average citizen has no vested interest in higher profits for the international oil industry but he has begun to show great concern for the future of the oceans and the benefits they provide. The United States Government already has some unilateral regulations. The United States Coast Guard has the authority to stop a leaking tanker from coming into a United States port and they used that authority in the case of the Athenian Star which attempted to come into Portland, N. H. in February of this year, leaking oil. It follows then, if we already have the authority to stop a tanker, regardless of its country to registry when it is leaking oil, it is only a logical extension of the same thinking to suggest that we pass this legislation to keep out tankers which are most likely to spill oil through the absence of certain safety features.

Now the bill before you proposes that tankers larger than those now normally transiting our waters be required to have certain safety features, none of which should be considered extraordinary or unproven, and ladies and gentlemen of the House, in the absence of federal regulations to the contrary, I submit to you that this bill ought to be enacted, to go with the Coastal Conveyance Act and the other laws we presently have on the books to protect our environment.

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

Mr. MACLEOD: Mr. Speaker, Ladies

and Gentlemen of the House: I am a cosponsor of this bill, got involved with it I guess mainly living where I live, and with the concern of the future of the coast of Maine, we do not have anything at present which we feel would be a safeguard in the event that we do go the route of the oil refinery in this type of thing. I'd like to allay any fears that Mr. Mills has, at this particular time, that nothing in our minds was done in any way, shape or manner to deter from any movement from Eastport or any other section of the coast that might be going in this direction. I am very much in concern, the same as my cohort from Hancock County, Representative Greenlaw and any of the other delegates who represent these coastal waters, that the fishing industry, in my mind, in this state has been abused unmercifully over the years. We've done very little from a state standpoint to fund, to help them, to assist them, we've written legislation at times which has not been good. We've tried to the best of our ability, I think, to come up with legislation that would try to help them, the kind of an independent breed along the coast, so it's very difficult to get them all together from the various different districts that they're in, and they have a real fear, ladies and gentlemen, with their industry in a flux right now and studies are going on, so it seems rather ironical to me that you have a Marine Resource Department over here that is spending thousands of dollars, literally, at various places down at Boothbay and within their own department, running clam management projects, water for purification deals and studying and trying to find out what the environment of the sea is all about out there. You and I both know what an oil spill does to it. So gentleman, I would hope that you do not go along with the motion at this time to indefinitely postpone this bill and could see within the generosity and kindness of your heart to accept the "Ought to Pass" Majority Report of the Marine Resources Committee.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: I support the motion of the gentleman from Eastport, Mr. Mills for indefinite postponement. I have been in the oil business for over 25 years and I have a little bit of knowledge on this situation. It looks to me that if we pass this bill, we are going to end up with this type of thing or if the industry doesn't want to build this type of vessel, then what we are going to end up is all the old Greek rust buckets in the world coming into Maine waters. In a few years they're going to be a dangerous situation.

Now, over in Belfast, the Penobscot Bay Pilots, are stationed and they tell me that right now that when they go in to bring one of these tankers in from foreign registry, at least half of them have navigational equipment which is malfunctioning, even some of them have fathometers are not working which is pretty bad. In five or six years, they are going to be worse so if you have those small tankers coming in, you're going to increase your traffic and you're going to increase your danger of spills. I live right on the coast, I probably live as near the water as anybody in this House lives near the coast. I can stand on my front deck and toss a pebble in the Penobscot Bay at high tide and I have great concern about the pollution in the bays or on our coast and I think we're treading where we shouldn't be, I think the

federal government will set regulations. They are concerned about it, as the other speakers have said, and I am sure they are going to set regulations that will take care of this.

Now, over to Belfast, we have a gentleman who lives there by the name of Captain David Kennedy. Incidentally, he wasn't the former Speaker of the House. He handles all types of tankers and in this letter he sent to me, he said, talking about twin screws the bill calls for "twin screws," he said he was a pilot in the Panama Canal Zone for quite a while and when they came in there, they were feared because they had a squarer stern to accommodate the screws and they were ungainly to handle and there was quite a question whether they could handle them with one engine off to handle the one screw. Double bottoms, he mentioned there that the, unless the grounding is very slight, he didn't feel they were any great help plus any vapors that leaked down into them from gasoline or oil would almost cause them to become a floating bomb, so I would support indefinite postponement and I would hope you go along with it.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I'm glad that we have finally gotten down to this because I've got my juice up a couple of times for it and we haven't gotten to it.

I'd like to answer some of the objections of the gentleman, Mr. Webber: We start with 115 thousand ton and over, so we are not talking about small shipping now. I agree with him that we probably should do something with small shipping but we picked a tonnage figure that is in excess of anything that is coming into Maine waters at this point and we did this purposely. We also understand from the testimony from Pittston that they are not even intending to use ships of this size. In their testimony they stated that. I think you should understand two of the principles we are talking about here. First of all, the double bottom is used on almost all grain carriers and dry cargo carriers at this point and it's just a flat bottom to the tank with a space between it and the actual bottom of the ship. There have been some oil tankers built with double bottoms, it facilitates the fast unloading of the oil and there are advantages to this. Added costs of putting a double bottom in a 70 thousand ton tanker is approximately \$300,000. It would, of course, go up when you are talking 115 thousand ton but it's not that great an additional cost. The best example of how a double bottom would help us was the Tamano Bill in 1972 in Hussey Sound where she tapped the ledge coming in, and lost 2,400 barrels of oil, that would be 42 gallons per barrel and I can certainly testify as to the mess it made and the sinking feeling when you came down the next day and found your gear and your ropes and the docks and the boats and everything else and anywhere the waves had splashed covered with a heavy-like tar that you had to take off using soap and scrubbing and often if it was a fibreglass boat, it went into the gelcoat and I know what happened to the lobstermen, and I also know that this bill is still being studied and they feel that it will be 10 years before the effects are completely over from it. This would have avoided a spill such as that. In '73 there were eight strandings, in '74 there were 9, this is world-wide and large tankers. Many of these would have avoided spilling if they

had had double bottoms. Also we have talked here about the problems of explosion, and as you may know, the super tankers, the tanks are so huge, that they practically develop weather systems of their own. When they are empty the residue, the oil that is left in them, puts off a gas which mixed properly with oxygen is very explosive. There have been a couple of ships that have blown a whole deck away.

There was a story about a man on the flying bridge and he suddenly realized that the whole thing was going up and the whole stern of the ship just went off and he was suddenly standing in water, but still on the flying bridge. Probably the most colorful of these was the Poly Commander which exploded off Spain and she was 50 thousand ton and in the resulting fire storm, the winds were so great that they sucked the oil up in the upper air and it rained oil over parts of Spain. What they have done to avoid this is they have an erf gas venting system, they take the gas from the stacks of the ships, the boilers of the ship, they scrub it, they take out oxygen and the particles and then they pump this into the tanks so there is a non-explosive atmosphere in the tanks. This can perfectly well be done with a double bottom, it can be pumped in between the two holes so that there will be no problem.

Now, the Coast Guard came down, Admiral Burkhart, came down and spoke to us at length and his feeling was that his is a federal matter, leave it well enough alone, the Coast Guard wants to do it. The Coast Guard has tried once, it was defeated. Senator Magnuson had a bill, it was defeated on the federal level and the Coast Guard still feels that this is a federal area and they want it left alone. They are proposing going to what they call a segregated ballast system and they would require all super tankers being built to have segregated ballast or wing tanks. This would be a double hull that runs way up the sides. He gave the figure that they would lose 43 percent of their cargo space doing this. Now this is a nice idea, I don't know whether the oil industry would ever buy it.

IMCO is very slow to move, they have done some very strange things in the name of safety which they justify but I question myself, and so these regulations are not directly upon us. I would also point out that if we do pass a law such as this and that if at a later time the Coast Guard were to pass a law, it would take precedence over us and it would automatically take precedence over our law and so I make two final points: we are not affecting any shipping in Maine waters at this point or the foreseeable future and if the feds do decide to move on this, this would overshadow ours, would overrule ours and I think this would be a very good bill for the state to pass and I do hope you vote for it.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go on record as supporting Mr. Mills' motion of indefinite postponement of this. There is also something that I don't think has been brought up. When you get a double bottom tanker, it's not like a double bottom rowboat, you know, and you're hauling cargo with oil or gas in there, if it should seep down, get a leak between these two and escape into that double bottom, it's not too easy to get it out and this is just like riding on a bomb from what I have been explained. If you should hit a ledge or

hit another ship, it's going to explode very readily caused by a spark.

One thing that I don't think has been brought out, that these super tankers are divided up into many compartments because you can't haul oil out in a rough sea without this stopping and when it gives this motion, back and forth, it will break tankers up. This is how many old tankers broke up when they built over 100 thousand barrel tankers to start with. The only thing that can escape, if a tanker hits anything, is what's in that one single compartment. Also, this is about all I can explain, I wasn't prepared for this because I didn't think it was going to get this far but it really is an unsafe feature, double bottoms in tankers hauling oil and gas.

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

Mr. MacMAHON: Mr. Speaker and Members of the House: I would like to address myself first to the good gentleman from Orland, Mr. Churchill. There's no truth in the assertion about these double bottoms creating a bomb-like situation. I would ask the gentleman if he knows where such a vessel has blown up and if, in fact, that was the result.

Now, I indicated in my opening comments that I was going to rely rather heavily on several fact source materials and this is one called "Tankers in the Ecology," written by Virgil Keith. Mr. Keith was the gentleman who was incorrectly quoted as describing these double bottom ships as being dangerous and Mr. Keith, himself, set the record straight, publicly last month here in Maine where he described this assertion as being wrong.

Looking at the section of this study that deals with explosions and specifically looking at the statistics regarding the 1969 and 1970 tanker casualties, there were 1,416 tanker casualties in that particular year. 32 of those were explosions. Understand, I am talking about tankers of all sizes. Reduction of the 32 tanker explosions follows in this manner, 21 explosions originated within the cargo tanks, 15 of which occurred while the ships were in ballast, 7 of these were over 100,000 dead weight ton. In fact, they alone total nearly one million dead weight tons. 82 large tankers of 100,000 dead weight tons or larger were traveling the worlds oil routes in 1969 and 1970. Some 30 of the 82, which is 36 percent, utilized the inerting gas system which we also have in our bill and which is recommended by IMCO and which will solve any problems relating to explosions.

The gentleman, Mr. Webber, mentioned the opposition to twin screws. That has been mentioned to me privately and I would say that the deletion of that particular requirement from the bill, in my opinion, would not harm the bill in any way and I would have no objection to the amending out of that particular portion. That is one of three methods that are prescribed, the third one, obviously, would be the one that would be used and that is continuous tug assistance.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: I noticed on the back of the amendment it says, "Although such a device increases somewhat the cost of operation or the construction of super tankers", I would like to have someone tell me how much somewhat is? I understand it is a lot that it increases the cost.

The last two sessions and this session that I have been in the House, I have seen a lot of concern for the consumer and rightly so and I agree with it, a lot of this concerns the consumer, but I would like to have one of the gentleman that is the sponsor of the bill to tell me how much this is going to increase the price of oil to the consumer if this type of a vessel has to be built. I understand it is anywhere from two to five cents a gallon to the consumer. At the price of oil today and what it is going to be, I don't think we need two or five cents a gallon more tax on it.

Another point I would like to bring out to these people if they are so concerned, why don't we have pilots the full length of the Maine coast? Right now, pilots are only required in Penobscot Bay and Portland Harbor. In Eastport, Machias, a foreign captain can come in with a vessel and take it right into the dock without a pilot, an American vessel can't. I think maybe we should have pilots required for the entire length of the coast, maybe this would be a good bill so I still support the indefinite postponement.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly respond to one of the comments or one of the questions of the good gentleman from Belfast, Mr. Webber, addressed himself to and that was how much the increased costs would result to the oil companies if this bill was passed.

In all the literature that I have read, I have found no statement that would indicate that there would be an increased cost with double bottoms and segregated ballasts of more than 7 to 9 percent. I don't have any figures on how much that would increase the cost of oil and I would simply say that with the skyrocketing price of oil and gas that has taken place in the past two years and a half, I don't see that there has been a great deal of concern for the oil companies for the consumer.

I think also a case can be made that as larger tankers are built, they obviously will carry more products and that cost will be absorbed much more easily with these larger tankers.

When the vote is taken I would request the yeas and nays.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: There is an old saying "Oil is well that ends well" and with that thought in mind, I urge you to vote against the indefinite postponement of this bill.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with some interests to the proponents of this bill. They have given us all the hazards of ships around the world but they haven't told us the reason why the accidents occurred, and they have given us quite a travelogue of the shipping around the world.

Now, to come back to the bill that we have before us, this bill does not take into consideration oil spills around the world, it takes in the waters of the coast of Maine. This bill here is actually dictating the design of a ship that may or may not come into the Maine waters.

I submit to you that the Federal Maritime Commission has the right to accept or reject the design of any ship

created in the United States on either coast. That is what this bill here does, it design a ship, furthermore, I submit to you that no member of the Marine Resources Committee has the technique or the expertise to determine what the design of any ship shall be. If they have, they haven't shown it to me.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: One very brief point, I would point out that Tamano which did come in and did a hit a ledge and did spill, cost three million dollars and that was in 1972 and would be considerably more now. As far as design of the ship, as soon as the Feds are willing to set up design of ship that incorporates these safety features, all of which exist today, we would be very happy but until that point, the coast of Maine and the Marine industries of the state will deserve this protection.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I wouldn't get up but I happen to know something about the Tamano Bill and I would insist that the gentleman from Yarmouth, Mr. Jackson, break down that \$3 million.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I did not get an answer to my question because there could not be an honest answer to \$3 million. The fact of the matter is this, the thing was settled for a million dollars and we did very well by it. The \$3 million figure is false.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Eastport, Mr. Mills, that the House indefinitely postpone Bill, "An Act to Regulate Certain Oil Carrying Vessels in Maine Waters," House Paper 723, L. D. 900. 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, Boudreau, Bowie, Burns, Byers, Call, Churchill, Conners, Cote, Curran, P.; Curran, R.; Curtis, Doak, Dow, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gould, Hall, Hennessey, Hewes, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kauffman, Kelleher, Kelley, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, R.; Maxwell, McBrearty, Mills, Miskavage, Nadeau, Norris, Pelosi, Peterson, P.; Pierce, Powell, Quinn, Raymond, Rideout, Rollins, Saunders, Snowe, Sprowl, Strout, Stubbs, Susi, Talbot, Theriault, Tozier, Truman, Twitchell, Usher, Walker, Webber.

NAY — Bachrach, Bennett, Blodgett, Bustin, Carroll, Chonko, Clark, Cooney, Cox, Davies, DeVane, Drigotas, Farley, Flanagan, Goodwin, H.; Goodwin, K.;

Gray, Greenlaw, Henderson, Hinds, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jensen, Kany, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lizotte, Mackel, MacLeod, Martin, A.; McMahon, Mitchell, Morin, Morton, Najarian, Peakes, Perkins, S.; Peterson, T.; Post, Rolde, Shule, Smith, Snow, Spencer, Tarr, Teague, Tierney, Torrey, Tyndale, Wagner, Wilfong, Winship.

**ABSENT** — Albert, Carey, Carpenter, Carter, Connolly, Dam, Faucher, Gauthier, Higgins, McKernan, Mulkern, Palmer, Perkins, T.; Silverman. Yes, 76; No, 59; Absent, 14.

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

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

Mr. **MILLS**: Mr. Speaker, Ladies and Gentlemen of the House: I now move for reconsideration and hope you vote against me.

The **SPEAKER**: The Gentleman from Eastport, Mr. Mills, moves we reconsider our action whereby this bill was indefinitely postponed. All in favor of that motion will say yes, those opposed will say no.

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

Sent up for concurrence.

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

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

Tabled — May 23, by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

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

Mr. **CONNERS**: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief and I know that it is futile for me to try to make any motions on this bill but I am opposed to it and I have several reasons why. I would just like to have these as a matter of record. Number one: it states that we development state wide management and personnel policies, court procedures will be standardized throughout the state. At the present, all district courts work under the same rules and under a chief who supposedly promotes standard policies now.

Number two is the regionalization of the court system. At least four regions will be established in Maine each administered by a regional presiding justice who can move justices within the region to where they are most needed. Court will continue to be held at each county seat but what happens to our courts and cities other than county seats? Is there an advantage to switching courts to other places as suggested in this bill? Also, this law will not give us judges that are more regularly available in the various districts and that is what we really need to ease the heavy court dockets.

Speaking of venue, when justices or court facilities are available within their particular county a case may be moved to another court within the region. In doing this, this will make it more difficult and more expensive for the defendants to pursue their rights because they will have to get witnesses to travel the additional distance that would be required.

Number five: your court clerks will be selected by the Chief Justice of the

Supreme Court rather than elected as they are now. Does this insure that more qualified persons will become Clerks of Court? Our present system of electing clerks is a good one because these clerks must face the approval of the people they serve, every two years.

Number six, all funds should come directly from the state so a rational and effective budget may be planned. The people in the county are best prepared to determine their own needs. Costs will not go down by instituting a state-wide financing system. The cost to the people of Maine might actually go up as the state attempts to pay for the extra administration duties it wants to take on.

I am opposed to this bill and all the legislation which attempts to regionalize the state and do away with a little more local government.

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

Mr. **BURNS**: Mr. Speaker, Ladies and Gentlemen of the House: I also am opposed to this bill. Regionalization is what Mr. Conners referred to and I believe you all have received these maps, the proposed maps that were forwarded to us by the University of Maine Law School. It is very interesting how these maps are drafted up if this is, in fact, going to be the regions. Cumberland, York set down below with Portland almost in the center. Region two was Lincoln, Sagadahoc, Androscoggin, Franklin and Oxford with Auburn-Lewiston area being about the center. Region three was Somerset, Kennebec and Waldo and Knox with Augusta being about the center. Region four was Piscataquis, Penobscot and Washington County with Bangor being closest to the center. Aroostook County, I now understand has been amended out so there will be a center in Aroostook County somewhere, probably Houlton.

It is very interesting to note that this bill will allow the Judiciary to set up a bureaucracy whereby full and complete control would be within their purview, not only that, the arrangements are also made for them to raise their own funds. With this law or little changes in this, could set the Judiciary completely apart from other State Government. They could operate it completely by themselves.

I am for efficient and effective courts, justice, the efficiency perhaps would be upped with this plan but the effectiveness or the responsibility to the people would not. It would create huge dynasties centered in Portland, Bangor, Augusta, Lewiston and someplace in Aroostook County. As Mr. Conners said, the transportation cost of the police, the witnesses, would be staggering. The juries would raise another problem. I feel we are being maneuvered with this legislation in that we have already authorized the appointment of the county clerks and another bill has gone through with partially state financing and another bill has already allowed the change in venue and that is going through.

Believe me, ladies and gentlemen, if this act is allowed to become law, we will be creating a very large bureaucracy and therefore, I move the indefinite postponement of this act and all the papers.

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

Mr. **DUDLEY**: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman before me has just done what I intended to do. I looked into this to some degree and I

found that the people in the area that I serve would not be served better and there would be no economy in this so to get my vote or to get me to support something like this, it would have either better court service or we would have to be saving some money economically. It does neither of these things. I agree with everything the previous speaker said and I won't stand here and hold up the process.

I do hope you will vote to indefinitely postpone this and while I am on my feet, I will ask it to be a roll call.

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

Mr. **PERKINS**: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely appreciate the comments that have been made prior to mine which refer to the question of establishing another bureaucracy. I think that is a red herring however. We are constantly, constantly, being badgered or the courts are to provide a better, more efficient system, to provide better justice for everyone and yet constantly, we are trying to see that that is hampered whenever a suggestion is made to streamline the system.

One of the things that I dislike in the judicial system very, very much is the process of so-called plea bargaining. That is where, because of the workload of the court system and the difficulty of getting cases tried, getting juries established, a county attorney or district attorney now will plea bargain with a defendant in order that he may plead to a lesser charge than actually what he may be guilty of in order to rid ourselves of the case and see that some form of justice is applied as to that named defendant.

This court revision bill is an attempt to try to establish a common equal form of justice to each and every individual in the State of Maine. Grant you, it speaks in terms of regionalization, the question of losing control in the counties has come up and if you read the bill you note that the county court houses are to remain as they have in the past and a judge will sit in a county court houses are to remain as they requires that a judge be there. However, it will provide that within the given region the judge that will be in charge of that region will be able to move judges throughout that region to the court house within the region where case loads are heavier.

I point to the letter from the President of the Maine Bar Association wherein he states, that 9,762 criminal and civil cases were pending as of May 1, 1974. On November 30th, seven months later, there were 11,415 cases or a net increase of 1,653 cases and yet we dislike intensely the fact that our courts are not processing these cases fast enough. Nothing is more discouraging than to know that a judge may be sitting in another county with no cases before it while there are umteen dozen cases, so to speak, in another county that can't get tried because we don't have the system by which we could have those cases tried. I plead with you to try to do something for the people of the State of Maine, try to make it more difficult for the criminal to be active in the State of Maine by making sure that he has a speedy, speedy, trial, and if we get him behind bars, if that is where he is supposed to be, but it makes it awfully difficult if he is going to be out on bail because he can't have the trial heard for another six or

eight months or perhaps even a year. We worry about it, we worry about it because we are afraid something will happen to us when we know there are known criminals on the street. I do ask that you consider these facts, that is what the courts are trying to do in an effort to try to streamline this system. The question came up as to the clerks of courts. We have passed this, this has become a matter of law. The clerk of courts then didn't come before the committee that I was involved with, didn't know anything about it until I saw it on the enactment calendar that we enacted a law that said the clerk of courts will be no longer elected but will be appointed, but that is a matter of fact, it is done, it is over with. That particular question in respect to this bill is just not there.

I could go on with several other areas and I frankly would like to point out that just the fact of being frustrated just as all of you are, that we have criminals out there that don't get tried, that don't get a speedy trial or equal justice. I might add one other thing, that we talked about equal justice for all and boy, I am sure everyone of you have been hit by people within your community who have said, why is it that John Jones gets a given penalty while Jim Smith gets another one or gets off scott free? The reason is that they are in a different area at a different time and a different place. This is an effort to try to coordinate to a court administrator who can hear the people, who is to act for and on behalf of the people who have complaints to let the judiciary know how they feel. The effort being directed to try to equalize this by making sure that in Aroostook County they know what is going on in Portland and Portland knows what is going on in Aroostook County. It is not a question of trying to make Aroostook what Cumberland County is or for Cumberland to be what Aroostook is but it is an effort to try to see that each and every one of us get equal justice. I plead with you not to support the motion to indefinitely postpone.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: Could the Clerk please read the report?

Thereupon, the Report was read by the Clerk.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: Under this proposal, people in Washington County could be transferred to Kennebec County or the Bangor Court in Penobscot County for trial. They could go to the Ellsworth Court, too, in Hancock County, but this could involve people traveling many, many miles and their witnesses to testify on their behalf.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I would like to correct a misconception that I think Mr. Connors has, and that is, we have passed the Bill, L. D. 577, relating to venue, that is changing the place in which you are going to have trials. In that it requires that all parties must agree before there can be a change, so a person couldn't be, if they lived in Washington County, couldn't be forced to come to Bangor or wherever the other region is to have his trial unless he agreed to do it, and the problem is right

now, even if he wants to have a speedy trial, he can't get out of his area to go someplace else to have the trial. He has to wait. All this is going to say is that if he agrees, he can go to another place to have this trial. If he disagrees, he can stay in his own area because it does require the consent of all parties.

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

Mr. DOAK: Mr. Speaker and Members of the House: After listening to the good gentleman in the left seat on the other side of the hall, I hope that no one will take me to court for obstructing justice if I oppose this bill and help to indefinitely postpone this.

We regionalize many things and we continually increase the cost. I understand that the fine structure will be increased to the point where this may be taken care of in this particular bill. But I recall in looking at county budgets that our district attorney cost us considerably more money than it did before under the old county system, and so when you district, regionalize, and pass it along to the higher echelon of government, to state, etc., the cost is increased and until such a time as I can see that the cost is either going to be the same or we could get improved justice, I would definitely oppose this bill and help to indefinitely postpone it.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not go along with indefinite postponement of this bill. As Mr. Perkins has told you, this is one good bill that would help a lot of people here in the state. We have cases that haven't been heard, I would say, not only months but years, and I have heard a few remarks that I think some of the people who have spoken don't quite understand the bill.

The Superior Court Justices will continue to sit in the county seats within the several counties within each region as they do now. One county seat in each region will be designated a regional center. The administration offices of the Judicial Regions will be located at the regional centers. There, a judge will be available continuously. The Chief Judge will assign the Superior Court Judges to each region. Justices will be assigned to regions as needed under the discretion of the Chief Judge as they are now assigned to counties; therefore, it is quite contrary to what they have here heard from several members of this House. Therefore, I hope that you don't indefinitely postpone this bill.

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

Mr. HUGHES: Mr. Speaker and Members of the House: The House Chairman of the Committee, Mr. Gauthier, is correct. Most who have spoken against this bill, I honestly feel don't understand what it does. The major concern seems to be over regionalization and because I guess of some unpleasant experiences we have had with regionalization in other areas of state government, they are concerned about that. But if you actually study the bill, the only thing the regionalization does is this: it provides that within those regions, which were described earlier there shall be a resident justice; that is, there shall be provided that one of the regular judges of the Superior Court will live in that region and will do all of his work in that region.

You understand now that Superior Court Judges are moved all around the state. This just requires that the Chief Justice will designate one of those judges to live in the region, work in the region and have the special responsibility of watching all of the courts within that region to make sure that the dockets are handled as expeditiously as possible. That is all regionalization does.

The venue which you hear talked about here was stricken by the Judiciary Committee. We have passed a venue bill, but it didn't do anything at all like what the original venue bill did. The original venue bill would have allowed cases to be transferred by judges from one county to another within the region. The committee opposed that; the committee amended the bill and you passed it as amended already. It doesn't matter what you say about that bill, that is already passed, but it does not allow cases to be moved from one county to another, except in the situation where all parties agree that it would be better to move the case to get a trial sooner. That is going to be used occasionally in civil court matters, very seldom in criminal court matters, but it is up to all three parties, the judge and the two parties in the case, and when it's to the disadvantage of any of them, they can simply refuse and it will stay and remain for trial in the county in which it was originated.

So the regionalization, while it sounds like a radical concept, does only that one thing, provides that the Chief Justice designate a judge within that region to oversee the operations of the Court to make sure they are as efficient as possible. I think if you're objecting to that kind of bigness concept, then I think it is just not warranted by the bill as it reads.

Now it is a long bill, it is a complicated bill, and I suspect very few people have read it but, it's the most important bill the Judiciary Committee has reported out this session. It is going to try to do something finally about our courts and about getting efficient, quick justice, and that is the only kind of justice that works.

We have also heard the court clerks mentioned and the fact that this bill will provide for elections of them. That is not true, we have already passed a bill which provides for appointment for the clerks of courts. That bill is passed, signed by the Governor, it is law. It is not a question in this bill. There is some language in here that talks about that but it only talks about it because it is already an accomplished fact and it was necessary to make the bill complete.

Finally, we did hear some talk that this would allow courts to raise money on their own, and I would point out that the courts will still continue to pay their fines into the State Treasury. There is no dedicated revenue involved; all fine money goes to the state and the state will then make the appropriation to the courts as a separate transaction so it does not provide for what I would find objectionable; this is, courts being able to increase their operating budget by levying fines.

Mr. Dudley of Enfield suggested that if this bill provided for more efficient justice for his people or for less costly justice, then he would be for it. I would say that the whole name of the game on this bill is more efficient justice for our people. It will not be less costly but unusually it will not be more costly, for exactly the same number of dollars we can provide a state coordinated system of justice instead of a

system of justice divided among 16 counties in one state. So I urge your passage of this bill. I urge your vote to defeat the motion to indefinitely postpone.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I, too would urge you not to accept the motion of indefinite postponement and to go along with this bill.

I would simply ask how many of you are happy with our present system of administering justice in this state? I know I have heard complaint after complaint about our judicial system and some would even blame it on the so-called breakdown on law and order in our society. Here is an attempt to deal with some of the problems that the judicial system has had. This has been studied for some time and a great deal of effort and study has gone into it by people who are familiar with the judicial system. The Judiciary Committee has accepted this bill unanimously, and I urge you to go along with it.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I think it is rather obvious around these Halls the favorite topic amongst us is to complain about the deficiencies in our judicial system and all of us are critical. We know that it leaves a great deal to be desired, the operation of our judicial system under the present system. Yet, before us here today we have a piece of legislation that deals with this, that has been prepared by people who are knowledgeable in this field, has the unanimous report of our Judiciary Committee, people who presumably have more than an average knowledge amongst legislators on this topic, and I hope that you vote against the indefinite postponement, support this bill, and give the people involved a chance to do a better job for us. We need it.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As I have sat here and listened to the previous speakers tell how much knowledge has gone into this bill and how certain speakers preceding them didn't really understand the bill because it really doesn't allow the transfer from one county to another of the court cases without the consent of both sides. Well, I am not a lawyer, I have never stood in any public body and claimed to be knowledgeable and I don't do so today, but during the time that the good Lord has allowed me to spend on this earth so far, I have been very fortunate to be able to look at different things and see hanky-panky or stuff written between the lines into a bill. Now as they say, there is no chance of moving from one county to another, there is no chance of eliminating the court in a county; this is entirely wrong.

It amazes me when I look at page 7 of this bill, Section 12, under Subsection 115, and sure they started our real nice "in each county the place for holding court shall be located in state, county or municipal building designated by the Chief Justice, etc. etc." Then when it gets down to the last line, they use the words "in each county" to end the sentence.

We skip the next paragraph because it really doesn't have very much meaning and it only says "when the courts are not being used, they can be used for other purposes of the Judicial system." Then we go down to where I call it the hanky-panky

of the bill. If the Chief Justice or his designee is unable to negotiate the leases, contracts or other arrangements provided in the preceding paragraph, then it goes on to tell that he, with the approval of the BPI can contract for a private building, privately-owned building. It amazes me that after the words "in a privately-owned building" there is no language saying "in each county or in that county." Here is where I smell the hanky-panky.

My county is a small county, we're not a rich county and I don't think we are one of the poorest — we were down to the bottom of the line but we have a good courtroom, we have a good county court building, and I would hope that the justices would turn that suitable quarters and not want to go out and maybe negotiate a lease with a friend so that they could be assured a long-term lease at a good fat salary because the county facilities were not suitable. The reason I think the way I do is because in the county budget for the county of Somerset, there was an item in there for a new desk, \$1,000; \$400 for a chair for the Judge. Well, the desk we have in our county courthouse is not a new desk, it is an old desk in age, but it is in excellent condition and we have some of the Chief Justices that came out of the town of Skowhegan in the past that have sat at that desk and it is a huge desk and it will serve its purpose quite well. So when I see things written into a bill like this, that they can go out and negotiate private leases or leases with private individuals for new buildings and they can refurbish the existing structures, it only tells me one thing, that they are going to want not only the best, they are going to want way beyond the best, and as long as the county is going to pick up the tab for it, well, why not, why not spend that money? Why not negotiate that lease with a friend or a cousin maybe, or an uncle or an aunt because I don't think they could do it with a father or mother, because it might come under the conflict because it would be quite obvious. But if they are concerned and if there is adequate language in this bill to say that each county shall have a courthouse, why then after the words "privately-owned buildings" were not the words put in "in each county or in that county"? Why have they left it out of that paragraph?

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you an example of just what Mr. Dam, my good friend, has just said to you. In Sanford, Chief Judge Ross of the District Court was offered new buildings, was offered buildings, practically new buildings, at a great cost to the county or to the state and he refused them. In fact, I was on the school board for quite a few years. We have a school that was built in the 1800's and this is the school, this is the building that he has leased from the town of Sanford for \$2,000 a year for 20 years. He is renovating it and this is going to save the state approximately in the hundreds and thousands of dollars. So I don't think that all the judges or the Chief Justices are all that wrong. I think that some of them are interested in saving the taxpayers money as well as Mr. Dam and myself.

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

Mr. SPENCER: Mr. Speaker, and

Ladies and Gnelemen of the House: With reference to the point raised by the gentleman from Skowhegan, I would just point out that elsewhere in the law, there are complex venue requirements, so-called, which require that certain cases be brought in certain counties. Now, the courts would have to have a place in every county to hold sessions, because if they didn't there would be certain cases which simply could not be tried because the rules require that the case be brought in the county where the defendant resides or where the plaintiff resides, depending on the particular case. So there had to be, under other provisions of the law, a place to hold court in each county.

With reference to the general arguments which have been raised, it seems to me that this bill presents this legislature with one of the most important opportunities which we have had this session, and that is an opportunity to improve the administration of justice in this state.

I think that there is a great deal of dissatisfaction among the public with the whole method of operation of the courts. The Superior Courts in each county are not really under the control of anybody; they are part of the county, but in general the County Commissioners do not feel that they can exercise control over the courts. The procedures are different in the different courts throughout the state so that when the judges move around from one court to the next, they find themselves constantly dealing with a different set of procedures. The chief judge assigns judges to particular counties for each term and even if there are no cases in one county and there is a backlog in another county, he has problems of reassignment, and this bill will address itself to those problems.

I really feel very strongly that the most important element of justice is that it be done quickly, that the person who commits a crime knows that within a reasonably short period of time he will be held accountable for it if he is caught, and this bill is designed to enable the courts to be administered so that we do get speedy justice. I think that this will go a long way toward resolving some of the problems that the court system has had in terms of big backlogs in one area and relatively light case loads in another area. I would urge you to vote against the motion to indefinitely postpone.

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

Mr. HOBBS: Mr. Speaker and Members of the House: The Bill before you is a result of an extensive study made by the Maine Trial Court Revision Commission which was chaired by a law school professor and also by now Attorney General Joseph E. Brennan. This legislation, I think, is very important, because I think it culminates in the commissioner's study and it deals in six areas, not only this bill but the two previous bills that we have discussed here before. The six areas for discussion dealing in this area for a more efficient court system are administrative unification of the court system, regionalization of the court system, venue, the fourth area is the district courts, the fifth, the selection of court clerks by the Chief Justice of the Supreme Court, which we have dealt with before in this body, and also the funding of the court system.

Now, this morning, I do hope we can oppose the pending motion, because I think if we do believe in equal justice and law and order, we should vote to oppose this

motion before the floor so that we can enact this legislation. Daniel Webster once said in an old saying, "Justice delayed is justice denied," and I think we will be denying justice if we do not pass this legislation.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I just want to add really some personal observations. When I was in law school before I was elected to the Legislature, one summer I was clerk for the Superior Court in Penobscot County and I was appalled at the way the court system was run. The judges, because of the way the system is set up, are traveling around constantly. They have little or no secretarial help. As the gentleman from Standish, Mr. Spencer, said, they come into a county, the judges do, and there is a clerk system there but it differs in all the counties. It takes them a half month just to get used to the system they are operating under, and they are only there for another two weeks after that. They have nobody to write opinions for them. There is no series of decisions that really have any bearing on anything else because there is nobody administering these courts.

In the regional system, I think that we will be able to set policy, and especially on sentencing and things like this, because there will be one judge who will be the administrator for that region, three or four counties or whatever are going to be in each region. Therefore, I think, you are going to see a better application of equal justice and I think, in fact, it will cure some of the problems that we in the legislature have in wondering why the laws perhaps aren't being interpreted the way we thought that we had passed them. This will, I think, facilitate that and also cure some of the problems we have with the present judicial system. So I urge you to oppose this motion.

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

Mr. CHURCHILL: Mr. Speaker and Ladies and Gentlemen of the House: I think one thing has been left out here is that currently 62 percent of the funding of the entire state judicial system comes from various sources at state level. However, the county still directly pay for the administrative costs of the Superior Court, the Clerks of the Superior Court, the County Law Libraries and some of the expenses of the Supreme Judicial Court. The counties are currently paying far more in these expenses for the courts than they gain in the revenues from the courts. All funding should come directly from the state so a rational and an effective budget may be planned for the entire court system so that the counties may be relieved of the burden of the ever increasing court costs. The proposed legislation provides that the above court expenses be paid by the state and it further provides that all court revenues accrue to the state. This is the main objection, right now, to this court system. They are afraid, most counties, that they would lose what refund they do get from the district courts. The other costs would far offset what little they have refunded, especially if you have a few good murder trials in one of these small counties it would nearly bankrupt the system. I certainly urge that if we are going to reform our court system that we pass this bill once and for all.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Anson, Mr. Burns, that the House indefinitely postpone Bill, "An Act to Implement the Recommendations of the Trial Court Revision Commission," House Paper, 350, L. D. 1263 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bagley, Berry, G. W.; Burns, Call, Conners, Cote, Dam, Doak, Dudley, Fenlason, Hunter, Kelley, Laffin, Mackel, Maxwell, Raymond, Rollins, Shute, Truman.

NAY — Albert, Ault, Bachrach, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bustin, Byers, Carpenter, Carroll, Chonko, Churchill, Clark, Cox, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Dow, Durgin, Dyer, Farley, Farnham, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Kany, Kauffman, Kelleher, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Saunders, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong, Winship, The Speaker.

ABSENT — Bowie, Carey, Carter, Connolly, Cooney, Drigotas, Faucher, Fraser, Joyce, Mulkern, Rideout, Silverman, Snow, Wagner.

Yes, 19; No, 117; Absent, 14.

The SPEAKER: Nineteen having voted in the affirmative and one hundred and seventeen having voted in the negative, with fourteen being absent, the motion does not prevail.

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

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  
Recessed until four o'clock in the afternoon.

#### After Recess

4:00 P.M.

The House was called to order by the Speaker.

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

Resolution, Proposing an Amendment to the Constitution to Provide for Reduction of the Number of Representatives in 1985, to Establish the Number of Senators at Thirty-three in 1985, and to Change the Date of Convening of the Legislature (H. P. 1587) (L. D. 1883) — In House, Indefinitely Postponed. House Reconsidered Indefinite Postponement, May 23.

Tabled — May 23, by Mr. McKernan of Bangor.

Pending — Motion of Mr. Faucher of Solon to Indefinitely Postpone.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have stayed away from this and I haven't spoken on it once. Now I am going to tell you what I think of this bill, and that is very little. I will tell you, I live in a county that at one time had 16 representatives, now we have got 14. You go fooling around and the first thing you know we are going to have nine up in Aroostook County. It is only 205 miles long and 105 miles wide. Why our own Speaker, Mr. Martin, starts out in the morning and can't get out of it before the middle of the afternoon, just one county. It is just about time we woke up. We are going to lose our rural representation if we fool around with this bill, and I mean we are going to lose it, not only in Aroostook County, but Somerset County, Penobscot County, Washington County, you take them, I name them and we have got them all over so this is going to hurt. Why should we do it?

We had a reapportionment last year, and they couldn't even do that right. Our state is all mixed up under the reapportionment law. I don't blame the Speaker for laughing because it helped his party considerably. We in Aroostook County lost 1,500 votes that went into Washington County, which we could have used in Aroostook with a much better reapportionment than we got out of it. Let's call a spade a spade.

Today, I hope you will go along with indefinite postponement of this bill and all its accompanying papers. If I have to, I will speak again on it because it is a very, very poor bill. To go to work and put in ten years ahead makes it worse. How do we know what is going to happen in ten years. Why should we tell the Legislature in 1985 what to do. That isn't even sensible; 1985 can vote for themselves. I would say let's kill this bill and the quicker we kill it the better. In 1981, when we have another reapportionment, let's get together if we are here or I am here and get a reapportionment that is somewhere near fair.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I will try to correct a few comments that have been made. Relative to the last apportionment that was done, as I remember, one day it seems there was a gentleman from Bridgewater came down and review the apportionment plan we were doing and he

looked it over and he said, "I think that is the best job that could possibly be done." He said, "Probably the best thing to do is to go along with it." That was when there was some questions from some of the other people involved and he at that time thought we had done a pretty fair job.

As far as reducing the size of the House is concerned, if we do reduce the size of the House, it will be proportionate all over the state so that the relationship of one district or one county's representation to another's will stay essentially the same.

There has been a great deal of interest in reducing the size of the House for quite a period of time. Every paper in the State of Maine has editorialized in favor of reducing the size of the House, there have been many of them.

For a long while I was reluctant to go along at all. I think that this reduction to 132 and building a Senate in relation to the House districts does make sense. As to how many representatives that Aroostook County would have, based on present population, it appears that they would have 12½ at the 132. I have heard comments that they will be down to nine and eight; that is not so. Based on the 1970 population and 132 members, they would have exactly 12½ or 12.49 representatives.

There have been some comments as to exactly what it might do to some communities. I did call the planning office and check with them to see what they estimated the population to be at the present time and whether they had any projection as to what it might be in 1980. The population at the present time is just under one million people, about 3,000 under the planning office indications are that at the present time there are 63,000 in the state, which would mean the ratio of districts, the population would be somewhere in the area of 8,000, which should take care of the comments that I have heard from some, well, my community has gone up about 300 or 400 people and this is going to mean that you are going to have to subdivide it again. I don't think that will be true, to allow a district to be as high as 8,456 people and still stay within the 5 percent guidelines.

As to why we are doing this at this time, many people say that why don't we wait until 1981. In the first place, the issue is fresh in our mind, just having completed an apportionment, it does require a change in the Constitution. If and I have heard this suggestion made — that we amend the Constitution and leave it flexible and not put any figure for the size of the House outside of it had to be a ratio of House to Senate. That is one possibility; I have been reluctant to go along with it in that direction, but if we don't do it now, 1981 will be here and then we will be into an apportionment problem and we won't have any guidelines to go with.

Actually, whether many of you realize it or not, at the present time, the present apportionment was done under Supreme Court Guidelines and completely outside of the guidelines of the present Constitution. At the present time, there are no guidelines in the Maine Constitution for doing an apportionment. I do feel that this legislature should face up to the problem this year of trying to do something in the area for setting some guidelines in the future apportionment. They have had the experience of what has gone on previously, there are the guidelines that have been recommended by the Maine Supreme Court and the United States Supreme Court, and I do think that passage of this

bill makes some sense at this time. I hope you do not support the indefinite postponement motion and then we can pass this bill to be engrossed.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: At no time did I tell the gentleman that I would ever go along with breaking up Aroostook County and putting it into Washington County. I may have said the rest of the state was up to them, not to me.

You heard figures thrown at you, but I ask you again are we going to go to work and tell the legislature in 1985 what to do? Do we feel like doing that, do we feel like telling the 108th what to do? I know at times we have had a bill that was referred to the 107th from the 106th and back 105th and the 106th and we have all said we were neglecting our duties in asking them to do it and I don't think we should do it.

I came down the other time when they reapportioned on my own, spent my own money, stayed a couple of nights and went over it with them. I explained a few errors; but it never did a bit of good. They just did as they wanted to and they will do it again, if they reapportion it in 1980.

The Speaker is laughing, I am not blaming him because if I was on his side I would have done the same thing, but I wasn't on it. I don't like to have these traps set and then fall into them. I think the Speaker will feel the same as me right now, there is no reason for us telling them in 1985 what to do. I don't think there is a member in this House at this time that will say to themselves, should I tell the Legislature in 1985 what to do, especially us fellows that come from Washington, Aroostook, Penobscot, Somerset and as many more as you want to? Why should we give up our rural districts? I have got them sitting behind me here, three sitting right back here that all represent nice ones, Mr. Burns, Mr. Doak, Mr. Carroll, we all come from little districts. Do we want to see that representation cut down? That is just what we are doing, we are cutting them down. We are going to say you have got to have 10,000 in place of 6,000, you have got to travel 200 miles in place of 100. Look over in Washington County, like the gentlemen from Danforth, Mr. Fenlason, was telling us the other day, look at the distance he has got, look at what Mr. Mills has got. Do we want to add another 50 miles on them? Well, that is what we are going to do. If that is what you want to do, you vote against the indefinite postponement today.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I heartily endorse what Representative Finemore has said and I would also call your attention to the way the reapportionment map of the State of Maine reads, and anybody that studies it for a few hours is going to get the hatchet. I believe that we are going to bring in professional politicians and we have enough of them in this House as it is.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have another opinion than Mr. Finemore, but I agree with him. I am one of many that believed in reducing the House but I have changed my mind. I attended the hearing on the bill

and I realized that the rural districts were going to get the hatchet. I believe that we are going to bring in professional politicians and we have enough of them in this House as it is.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you vote against indefinite postponement of this bill. I believe on the last reapportionment, no town was hurt worse than the town of Kittery. As a matter of fact, they split us up into three sections, I have a section bordering the York line which should belong to Representative Rolde. I have another section, Garrish Island, which should belong to Representative Rolde. I wrote to the Supreme Court Justice and informed him at the time of the reapportionment that we had 854 prisoners at the naval prison at the Kittery Naval Shipyard when the census was taken, which was taken into this consideration on reapportionment, plus military personnel permanently stationed there.

I believe the only opposition to this reduction is that a lot of us old timers, I will say, are afraid we have got to get out and campaign. For years, we have taken it for granted that we are in. Now, with the younger breed coming in, you might call them professional politicians if you wish, but they are the boys who get out and campaign. So, I think that is the objection to reducing the House.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I have 19 towns and it is about 50 miles across my district whichever way I go and if we increase this, it is almost impossible now for me to cover the area, or any other representative that should have this. I hope that you will support the indefinite postponement of this bill. I request a roll call.

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 Solon, Mr. Faucher, that the House indefinitely postpone Resolution Proposing an Amendment to the Constitution to Provide for Reduction of the Number of Representatives in 1985, to Establish the Number of Senators at Thirty-three in 1985, and to Change the Date of Convening of the Legislature, House Paper, 1587, L. D. 1883, and all accompanying papers.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Call, Carroll, Conners, Cox, Curran, R.; Dam, DeVane, Doak, Drigotas, Farley, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Gray, Higgins, Hunter, Hutchings, Immonen, Ingegnieri, Kelley, Leonard, Lewin, Lewis, Littlefield, Lunt, MacEachern, Mackel, Mahany, Martin, A.; Maxwell, McBreairty, Mills, Miskavage, Morin, Mulhern, Nadeau, Peakes, Perkins, T.; Post, Quinn,



Raymond, Rideout, Rolde, Rollins, Snowe, Susi, Talbot, Tarr, Theriault, Torrey, Tozier, Walker, Wilfong, Winship.

NAY — Birt, Byers, Carpenter, Chonko, Clark, Connolly, Cooney, Curran, P.; Curtis, Davies, Durgin, Dyer, Farnham, Gould, Greenlaw, Hall, Henderson, Hewes, Hinds, Hobbins, Hughes, Jackson, Jensen, Kany, Kauffman, Kelleher, Kennedy, Laffin, LaPointe, Laverty, Lovell, Lynch, Martin, R.; McKernan, Mitchell, Morton, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Powell, Saunders, Shute, Spencer, Sprowl, Stubbs, Teague, Tierney, Truman, Tyndale, Usher, Wagner, The Speaker.

ABSENT — Bennett, Bustin, Carey, Carter, Churchill, Cote, Dow, Dudley, Faucher, Garsoe, Goodwin, H.; Goodwin, K.; Hennessey, Jacques, Jalbert, Joyce, LeBlanc, Lizotte, MacLeod, McMahon, Silverman, Smith, Snow, Strout, Twitchell, Webber.

Yes, 67; No, 57; Absent, 26.

The SPEAKER: Sixty-seven having voted in the affirmative and fifty-seven in the negative, with twenty-six being absent, the motion does prevail.

Sent up for concurrence.

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

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

Tabled — May 23, by Mr. Rolde of York.

Pending — Acceptance of either Report.

Mr. Farley of Biddeford moved the House accept the Majority "Ought not to Pass" Report.

Mr. Hobbins of Saco moved this matter be tabled one legislative day.

Mr. Farley of Biddeford requested a vote on the motion to table.

The SPEAKER: The pending question is on the motion of Mr. Hobbins of Saco that this matter be tabled one legislative day pending the motion of Mr. Farley of Biddeford to 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.

48 having voted in the affirmative and 59 in the negative, the motion did not prevail.

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

Mr. HOBBS: Mr. Speaker and Members of the House: I guess it is a bad day, after the bill that was debated this morning, to debate an issue such as this dealing with oil. I think a brief history behind this piece of legislation is in order at this time.

Two years ago a group of legislators of the 106th Legislature paid a semi-official visit to Quebec City to participate in the Winter Carnival festivities. The most important aim of our trip was to visit an oil refinery called the Golden Eagle Oil Refinery and this trip was arranged for us by the Quebec government officials. We spent a fascinating day at the refinery visiting facilities and asking questions to its management, not only about the operation about this oil refinery but oil industry in general, because it is of very big importance to us in Maine because of several proposals that have been before the Board of Environmental Protection.

All of us who made the trip were most

struck by a general manager named Blake Stewart of this oil refinery and his suggestion that any promoter or oil refinery wishing to receive a permit to build a refinery would first be required to put up a sum of money and that this sum of money would be used to hire an independent consultant to examine the refinery plan in extensive detail. Mr. Stewart advised us that such a procedure was necessary because the refinery operation can run circles around legislation, any type of environmental legislation, and that no one follows up this legislation or a proposal to see if they lived up to their bargain. Most inspections, he said, were grossly inadequate and that in any event no inspector having found a violation would want to shut down a refinery once a refinery was being built.

This bill is the outgrowth of this suggestion made to us by the general manager of this oil refinery. The purpose of the bill is to provide adequate independent consulting and enforcement services to the Board of Environmental Protection when it must process an extraordinary application under the site location law. Such applications have in the past placed a considerable burden and strain on the limited resources and personnel of the Department of Environmental Protection. In addition, complicated applications for oil refineries require expert review involving technical expertise not usually possessed by individual members of the Department of Environmental Protection. In the past, the department has retained such consultants to provide needed expertise, and this has cost the taxpayers of the State of Maine, the people that we represent here in Augusta, a considerable amount of money.

Under this legislation before you, any consultant would be wholly independent of the Board of Environmental Protection and could express their opinions without pressure from any source. Also, in the event that the project was approved, the consultants would enforce the application through six months of start-up of the refinery.

Now, this program which Representative Rolde from York and Representative Goodwin from South Berwick and I are cosponsoring is a self-financing piece of legislation, since it puts the cost on the applicant who wants to build an oil refinery.

Under this bill, basically, I will explain to you that any person who applies for permission to construct or operate an oil refinery or any related facility, including oil terminal facilities, shall upon permission of such application pay the board an amount equal to one tenth of one percent of the actual anticipated cost in designing construction of that oil refinery. A good example, the application pending before the board now of the Pittston Oil Refinery.

This company would have to put up, under this proposal, money in the amount of \$400,000 which is one tenth of one percent of the total \$400 million cost of the refinery. These moneys would be used by the board exclusively for the purpose of paying the cost, fees and expenses of the foregoing consultant and consultants and any amounts not expended would be returned and refunded to the applicant for consultant services not used.

I feel that this bill, L. D. 1720 is a rational approach in dealing with the question of oil refineries in the State of Maine. I do not look at this as an obstructionist piece of

legislation or as another stumbling block in the way of possible oil development in our state. Hundreds of thousands of dollars of tax-payers money have been spent on the two applications that have been before the Board of Environmental Protection in recent years, Pittston Oil Refinery proposal and the Gibbs Refinery proposal in Sanford. Now, with this bleak financial situation which we are plagued with in the State of Maine, I have to ask you this question, is it right to continue to ask the mill worker in Lewiston or the shoe worker in Biddeford or any other person to fund this? I don't think it is. I feel that the applicant and not the tax-payer of the State of Maine should be the one who pays for the consultant fees in order to build an oil refinery.

As I said before, I am not anti oil, I am not an obstructionist, but I think this piece of legislation is a rational approach in questioning whether oil should be put in Maine or not. When the vote is taken I ask for the yeas and nays.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will only report that the majority of the committee felt there was no need for a consultant. There is, at the present time, adequate staff in the BEP to take care of these matters. If we went on and adopted this legislation it doesn't specify as to if the refinery is going to add any say in the choice of who is going to be this independent consultant. I would go on to ask further in this House, why just a refinery? Why not every major development in this state go along these same lines? Why single out these refineries? I don't remember if the gentleman from Saco mentioned that the case of the refinery, the proposed one in Pittston, it would be a matter of one half a million dollar deposit with the DEP to fund this consultant. It was brought up in committee, and rightfully so that half a million dollars is a lot of money for any corporation to put on deposit not drawing interest or anything else.

I would ask you to go along and accept the Majority "Ought Not to Pass" Report.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I didn't think we would have to go this merry-go-round again but apparently we have got to. I hadn't paid much attention to this bill or what it meant until I heard Representative Hobbins, who is a strong advocate of labor, get up and expound the views of three members of this House who went on a personal excursion of their own to investigate an oil refinery and come back with the recommendations for the State of Maine to adopt, as propounded by some engineer, unknown in another locality, from somewhere. There is no question but there had been a very considered effort in this House to prevent the people of Eastport of having a chance to live and having a chance to do it on their own. Home rule is not the answer they want, they want control.

I am very much amazed at some of the people who have signed the names on this one, which I just happened to look at and notice. This goes along with the general pattern that had been running here for three sessions now. I am going back to 1964, when I sat in seat 82, and first started this ball a rolling. Here we are coming down into 1975 and we still have proponents who

want to kill off the economy of the State of Maine. If we had the eleven refineries in the state that were started here in 1964 and now are with a line in Canada across the bay, why we would have a different picture on the tax structure here in the State of Maine. At the present time, we have a tax structure base of over 9 billion, 887 million plus. You add \$500 million to that tax structure and we wouldn't be in the financial bind we are on in Education and Health and Welfare today. Along with the others, we would have been riding free and easy, we would have been the best state on tax structure basis that there is.

Here again, we have somebody that wants to tell us down in Eastport how we have got to live. They want to tell the rest of the state how it has got to live. Back a couple of years ago, the person that made the address was very strong to me in favor of refinery in Eastport and I don't know what changed his mind. I believe I will go along with the House Chairman, Mr. Farley.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: As the gentleman from Saco, Mr. Hobbins, said, I am the co-sponsor of this bill. I did want to just put it in perspective how this bill came about. It was the suggestion of the man who was the manager of an oil refinery in Quebec and this gentleman, Mr. Blake Stewart, had been instrumental in establishing five oil refineries throughout Canada and the United States. He made this proposal because he felt that this idea of having the company itself put up some funds so that the recipient communities could hire an independent consultant would actually help in the establishment of an oil refinery in a particular area, because it might lessen some of the local opposition and the local suspicion of people who were trying to get oil refineries through. This was out of his own experience with all the difficulties that he had had in getting oil refineries established. It was an idea that struck us particularly where it came from a gentleman who was the manager of an oil refinery and who actual profession was getting oil refineries started. That is why the gentleman from Saco, Mr. Hobbins, put the bill in.

In regard to what the gentleman from Biddeford, Mr. Farley, said in terms of the Department of Environmental Protection, they did, and I don't know what happened in committee, but they did want to have this bill expanded to cover other major industrial projects. What the committee did with that particular suggestion or perhaps they never received this suggestion, but I know in speaking to one of the officials of the Department of Environmental Protection they liked the idea and felt it should be applied to other large scale industrial projects.

I will say that there is some sort of precedent for this. The Public Utilities Commission, for example, does hire independent consultants on major rate cases who come in and present them with independent information and they do that totally out of state expense.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: As you can see on the bill, I am one of the co-signers of this. I was one that went on the trip to Quebec City.

I would like to bring out a few points.

First of all, I feel, the opponents of this bill, and my very good friend from Eastport, Mr. Mills, have totally missed the whole point of this bill. It is my contention that if we had this law into effect two years ago, Pittston would be having a building and oil refinery in Eastport right now because we would not have gone through the hassle, and the hearings and all the problems that they have had with DEP because Pittston could have come in with their application, DEP could have taken it, turned it over to their interdepartment consultants, they could have gone through this, given it back to DEP and DEP could have gone to Pittston and said, OK, these are the changes you need to make in your plans, and these are the problems we are going to have, let's try and work them out. I feel it is ironic to have the oil people actually opposing this bill, because I think in the long run, it would help them.

I would like to get on to a few points that Representative Rolde touched on. I would also like to ask — Mr. Farley, made the statement that DEP has enough staff and resources to handle all the cost for checking on these applications — I was wondering if he has talked to anyone in DEP to find out if they actually do. I would like to read to you from a memorandum that was sent to us by Mr. Adams, Commissioner of the Department of Environmental Protection, "The concept underlining the bill is an excellent one and certainly reflects the need where an extremely complex and large project is under consideration by the board. Such a project requires staff, time and often expertise which just can't be made available from normal budget and staff resources. The result in the past has been limited analysis of some aspects of a project scrounging from funds from routine budget to employ help or dependence upon expert testimony of the parties to the hearing. None of these alternatives are entirely satisfactory. As an example, the department has spent \$55,000 alone in consultant fees for helping the area of navigation alone in the Pittston case."

I would like to ask anybody that may answer, if you say that this is going to cost the applicants quite a bit of money — well, let's say in the case of a \$5 billion refinery and they have to put up \$500,000, yes, that sounds like a lot of money but how much has Pittston already put up through the DEP hearings and all this money, how much money have they actually spent? I read these headlines all the time on how much money they are spending and every day it costs us so much more that it may make the project unfeasible.

I feel that this is a very rational approach to this. All we are saying is that if somebody wants to build an oil refinery — maybe, I would like to see this amended to large projects — but what we are saying is, that if somebody wants to come in and can meet our laws, that they would have to meet our laws. As it is right now, we have a parttime board that are overseeing these laws and these hearings and they just don't have the staff and the time to do the job. The other point that hasn't been brought up with this bill is that what happens after we approve the application. Do we just sort of sit back and say, this is your application, go build it? Do we have any way to oversee that building? It takes a long time to build a refinery and there are a lot of things that someone could do to get around a lot of the requirements to the DEP. This independent consultant could oversee the building of this and make sure that all the

requirements that are laid down by the DEP and all the other boards are followed. I think this is even more important than the initial screening because once that refinery or other project is built, you are not going to close that down if they have made a mistake. I think that it is very important that we have this. All we are saying, is that if they are going to come into the state, you come in on our terms.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: There again, I am quite amazed to the reasons the speech was made. They are asking us to accept an opinion given them in a foreign country and apply it to the state of Maine. They are asking us to accept the advice that was given to them freely in a foreign country and to apply it to our people here in the State of Maine. I have never stood here or set in this House and heard anything more ridiculous. I have never listened to anybody imposing the wills of other states or other countries upon the people of Maine. I do not understand and I cannot reason why these people had these attitudes of going outside of the state and getting rules, laws, regulations or what have you and bring them back and trying to enact them into law to govern the people of the State of Maine. I find that in the State of Maine we have a very good bunch of clear thinking citizens that are quite capable of judging for themselves. I don't think we should impose anything from out of the state or the country upon the people of Maine.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I would request that the Clerk read the Committee Report.

The Committee Report was read by the Clerk.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would only add to the comments said by the gentleman from South Berwick, Mr. Goodwin, that Mr. Adams, if he were so concerned about this piece of legislation he certainly should have appeared before the committee. He never has, to my knowledge anyway. I would go on to say when we instigated the Department of Environmental Protection and put some of these stringent environmental laws on the books, I would also think that the members of this legislature and the people in the State of Maine should assume the cost before a major or large oil refinery or large development comes into the State of Maine; because of these laws on the books I think the State of Maine ought to assume the burden or the cost of the investigation of large developments. I can only imagine what would happen if we asked for this large half a million dollar deposit to be placed down by a refinery or a major potential developer that after using up a good portion of that money, this petition was denied. I don't think that is fair, I don't think it was the intent of the Board of Environmental Protection or the citizens of the State of Maine or the members of this legislature when these laws were instituted.

I would ask you again to support the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes

I voted for the bill in the last session of the legislature to allow the Port of Portland to handle that, to sell the bonds and do what they had to do to get the port facilities. I had a lot of people in my area, right in the backyard of where the Sanford proposal was going to be that were against that, but I felt that that was needed for the area and I felt that it would, in the long run, be a good thing for the area if it was adequately screened and well built and I still feel that way. What I am trying to do with this bill, as a cosponsor, is to give the people of the state a little bit more of a handle on what is going to be coming into the state and I think we are going to see a lot more of these proposals in the future. I think this is a rational approach to handling this.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: It was mentioned that these large companies do have engineers and so forth, but they do not always work for the cities they are going into. As an example, the Tannery in Saco made all kinds of promises to have a sewerage treatment plant and go according to all town rules and regulations. The town took them at their word but they did not do what they said they would and there was quite a fight on their hands to get them to do it.

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

#### ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carpenter, Carroll, Churchill, Connors, Cox, Curran, R.; Curtis, Dam, DeVane, Doak, Drigotas, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Gould, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McKernan, Mills, Miskavage, Morton, Mulhern, Nadeau, Peakes, Pelosi, Perkins, S.; Perkins, T.; Pierce, Powell, Raymond, Rideout, Rollins, Saunders, Shute, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Tyndale, Usher, Walker.

NAY — Bachrach, Berube, Bustin, Chonko, Clark, Connolly, Cooney, Curran, P.; Davies, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hobbins, Hughes, Ingegneri, Jensen, LaPointe, Mackel, Mitchell, Morin, Najarian, Peterson, T.; Post, Quinn, Rolde, Smith, Spencer, Talbot, Tierney, Wagner, Wilfong, Winship.

ABSENT — Carey, Carter, Cote, Dow, Dudley, Dyer, Faucher, Jacques, Lizotte, McMahon, Norris, Palmer, Peterson, P.; Silverman, Snow, Twitchell, Webber.

Yes, 97; No, 35; Absent, 17.

The SPEAKER: Ninety-seven having voted in the affirmative and thirty-five in the negative, with seventeen being absent, the motion does prevail.

Mr. Lovell of Sanford moved that the House reconsider its action whereby this Bill was indefinitely postponed.

The SPEAKER: The gentleman from Sanford, Mr. Lovell, moves we reconsider our action whereby this Bill was indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

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

Sent up for concurrence.

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

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

Tabled — May 23, by Mr. MacEachern of Lincoln.

Pending — Passage to be Engrossed.

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

On motion of Mr. Rolde of York, the House reconsidered its action whereby this Bill was passed to be engrossed.

On motion of the same gentlemen, tabled pending passage to be engrossed and specially assigned for Friday, May 30.

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

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

Tabled — May 23, by Mr. Morton of Farmington.

Pending — Passage to be Enacted.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure that I am opposed to this bill but I certainly would like to understand what it is all about. This bill purports to be a better definition of what is abutting land on Great Ponds, rivers, etc., and I would call your attention to what it says. It is a prohibiting type legislation; it is already on the books in Section 2206. If you will read this definition, it says that no individual shall dredge or fill above tide water, and that had been amended by a committee amendment to head of tide, on any river, stream or brook or any land adjacent to any stream or brook in such a manner that any dredge, fill or structure may fall or be washed into such waters.

Now, I ask this question, Mr. Speaker, of anybody who might answer it. Knowing that a head of tide or water is 20, 30 and 40 miles upstream, how is anyone going to know whether or not they are supposed to go out and get a permit when they want to put some sand or gravel on a field adjacent to a river or a pond? I would like an answer to that.

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the chair to anyone who may answer if they so desire.

The Chair recognizes the gentleman bill is designed specifically to answer.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Farmington has asked an excellent question, a question which this bill is designed specifically to answer. There were questions as to which activities around Great Ponds deanded or needed a permit application. Also, the word abutting was used and that created questions. This bill was intended to clear up those questions and it doesn't seem to have done it. It is rather simple and I think the explanation will make it clear.

If you live on a river or a stream which has a tidal area, then the jurisdiction of the Marine Fisheries is in the tidal water area and their jurisdiction stops at the head of tide. The stream alterations act activities begin beyond that point where you go in to Inland Fish and Game. We had people under the old law who were on the river and didn't know whether to apply to the Coastal Fisheries or whether to apply to Inland Fish and Game.

This is, hopefully, to demarcate the line where Inland Fish and Game has jurisdiction and where your constituents will have to apply for permits for activities adjacent to that stream. Below the head of tide, which will be tidal waters, you go to the people in Marine Fisheries for applications for activities in that area. This saves people the confusion in going to two different departments and finding out that they didn't need to go to two departments, they only had to go to one, and the head of tide language is supposedly the line where the jurisdiction of Inland Fish and Game begins and where Marine Resources ends. Does that answer the gentleman's question?

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: It is a good start, but I am concerned. Let's assume and let's take a practical example — we are talking about the Kennebec River and head of tide is certainly below the bridge at Gardiner or somewhere down that way, your are familiar with it, and there is a big stream that flows into the water below the head of tide. If someone puts sand or gravel on the tributary of the Kennebec, five miles away from the Kennebec River and it flows into that tributary and then heads into the Kennebec, according to this bill, you are subject to a \$200 fine per day if it was allowed to flow on or maybe washed into such waters. It just seems to me that you are opening up a tremendous can of worms here. In fact, there are very few waters in the state where things can't wash into those waters. I am concerned about this and maybe you can pin it down a little better.

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

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: Let me explain this scenario. The original language of L. D. 1876 specified head of tide. I was stopped out in the corridors by Loyal Sewall, a member of the third House, who said look, I don't know what this tide water means. He said, that is kind of confusing and a better term might be head of tide or head tide and we talked it over and it seemed that that would clarify it.

The particular problem that Mr. Morton speaks about is a tributary that is coming into the tidal portion of a stream or river, whether or not that person has to procure a permit from both the Coastal Marine Resources and Inland Fish and Game and the question is, whether or not that tributary has any tidal waters in it. Now, if that tributary is affected, has tidal waters and has a head of tide, this bill applies to the demarcates of the jurisdiction where the tidal waters or the head of tide would be. If it is purely a fresh water stream pouring into a tidal portion of a river but yet in itself is not affected by any tidal

the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I am not getting up to speak on the merits of this bill, but there is one thing I would like to advise you that I have attended the hearing, every hearing, that we had at Nason College Recreation Hall on NECO New England that was supposed to come into Sanford and, at this time, they are far from having had their license to do business and, at this point, and I think that probably the same thing happened to the other company, Pittston, in Washington County, but NECO has spent over \$2 million up to this date, over \$2 million and today they have no license yet.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I have to concur wholeheartedly with my good friend from Sanford, Mr. Gauthier. I would like to ask one of the sponsors a question. How did DEP pick the consultants and what guidelines would they use?

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

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I think, obviously, that the gentleman from Sanford, Mr. Nadeau, knows that the bill does not set up any rules or regulations as to how they are going to pick an independent consultant no more than does any of the laws set up any rules and regulations as to how the PUC picks independent consultants or any other department picks any kind of consultants. DEP is picking independent consultants now. If you were listening, as I stated in the letter from Mr. Adams, that they have spent \$55,000 in consultant fees in the area of navigation along the Pittston case. They try to find people that are capable and have expertise in that area and there are many, many engineering firms throughout the country and throughout the world that are capable that have built refineries or capable of working over plans on just about any type of project.

I think the other gentleman from Sanford, Mr. Gauthier has said that he thinks NECO has spent over \$2 million, already in their application procedure and I think this is a good point, that is why I don't understand why the oil people are against this because it seems to me that rather than to spend \$2 million plus to have to go through all this hearing procedure and everything that if they could put up a little bit of fund money first and have an independent consultant review the plans so that most of the problems are worked out ahead of time so that they don't have to go through this long drawn out hearing procedure to argue over points of navigation and points of the size of a pipe line and this type of a thing, that you could work a lot of these things a lot quicker, and a lot sooner and to a lot better satisfaction between some engineers of the independent consultants and the refinery people. I think that this is all we are saying, that we want to be able to hire some consultants to oversee the application project and to further, and I still think that this is the most important part is to oversee the construction of that refinery or project once it is approved and I think that this is the real important issue

right there. I do want to mention that I do have an amendment sitting down in Legislative Research that I—I got caught in here before I could go get it but it will take away the last line of the first section of the bill which is kind of irrelevant to the bill. I really think it is kind of double talk—that when we were drafting it just didn't come out right but other than that, as far as hiring an independent consultant, it would be done as any other agency hires independent consultants now.

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

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up a point that many say the senior citizens, such as myself, are against these things where it apparently doesn't mean too much to us. But I would like to say that actually in Sanford, and as the other gentleman from Sanford has said, we voted 3 to 1 to have an oil refinery and I go along with that. I think that oil refineries at the present time are the new modern ones and we had 20 people go from Sanford to the State of Washington to visit a new oil refinery and those oil refineries are fitting in with the environment so that they don't bother the pollution of the air and the birds, flowers, bees, and what not are not harmed whatsoever. The new refineries are very very good. Now, in my particular case, I don't think it would bother me too much at my age, but I have seven children and I think we need oil refineries in Maine. One of these days we are going to have to have them or we are going to be cold in the wintertime and I don't think this is a good bill, so I would like to move for indefinite postponement and ask for the yeas and nays.

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

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

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Before this vote is taken, I would ask to review the testimony you have heard here today. There have been many references made to the Board of Environmental Protection or Control or whatever they want to call it now. It is apparent now that we have had three bills in this session where there has been some agreement between members of this House and the Board of Environmental Protection.

I would also call your attention to the fact that after two years of lengthy and expensive hearings, there is a decision now pending before the Board of Environmental Control in regards to the final permit to the Pittston Refinery in Eastport and I think these bills have been put in here and have a great bearing on what that decision might be. Therefore, I would ask you to go with the indefinite postponement.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Goodwin mentioned that there was a good reason why NECO should have paid \$2 million and one of the reasons why this bill should be coming along. I would like to say that I was talking with Mr. Stevens, who is Chairman

of the Highway Commission here, I met him at that hearing, and Mr. Stevens told me it was a shame to have people coming in to speak and be just half-way and having had to spend \$2 million.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of indefinite postponement of this bill. I don't know if you realize it or not, but any firm that is going to spend a half a billion dollars has engineers capable and they are probably in the salary range of \$100,000 to \$150,000 a year. Now, we can go out, if this bill is passed, the Board of Environmental Protection can hire a consultant, the average consultant fees for a small engineering firm is \$50 a day, plus expenses. I say that you can take their fees against the paid engineers of the big companies and you can see who is qualified. The only reasons these firms NECO, Pittston, have to spend this money, it isn't for engineering services, it is to combat the opposition at these hearings and I just ask you to consider that. I campaigned in favor of an oil refinery, so I don't give a darn about the votes, which some people evidently do, I urge you to vote for indefinite postponement.

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: First of all, we have discussed the matter of anti-oil or pro-oil. This is not a question of anti-oil. I am not trying to be an obstructionist, I am just trying to propose a rational solution and I am just trying to find out whether the taxpayers of the State of Maine are going to pay for this expensive consulting that is needed for an oil refinery to be approved or do we want the company who could probably afford more than the State of Maine when you see the financial picture we are in.

The second point I would like to address is that the Pittston proposal and the Sanford proposal is grandfathered. This bill would not affect those two proposals at all, not one bit. So that should not be raised as an issue here, whether we are for the Sanford refinery proposal or for the Pittston Oil Refinery proposal.

Again, I say this is not obstructionist piece of legislation. I know I keep emphasizing that but I am not anti-oil and I am not trying to put this bill in as a stumbling block for the development of oil in the State of Maine. What I am trying to do is trying to ask myself, do I want my people in Saco, the people who are making a \$115 a week, to pay for expensive studies when a high-class firm coming into the State of Maine can more afford to?

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clarify one point as far as my position on oil refineries go. Back quite a few years ago, when I was working in the Governor's Office as an intern, I did a lot of research on the Machiasport proposal and I supported that proposal. I supported the Pittston proposal. I have no real objections to that if they can find a safe way to bring the tankers in, but I also campaigned on the fact that I would support the Sanford oil refinery proposal, I thought that that was the best proposal that has come down the pike in a long time. I think it was a pretty rational proposal.

action, then this would be covered by the stream alteration act, which would be Inland Fish and Game. That is my understanding. I am not an expert, it took some of the third House to completely clarify this, but that is my understanding of the legislation.

It removes the term abutting because it was confusing. We tried to clarify and say if anybody placed anything in such a manner that gravity or rainfall would bring it into the stream, that it was a violation because it would be filling or dredging without a proper permit. I think this is good piece of legislation. We tried to resolve some problems and some of the questions that Mr. Morton poses, if I haven't answered them satisfactorily, then may I suggest that it could be tabled again and we could get more complete answers but I don't think I have led anybody astray and I know that is what it does but if there are still any other questions that the gentleman has, maybe the best thing would be to table it and we could get the answer to those questions.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have just been reading this bill. I happen to own property that abuts tidal water. The way I read this bill, if I took a few loads of pit sand, you can't get sea sand, and took it down on my shore on the marshland which I own, I have the right to cover marshland there that cuts the saltmarsh, if I so desire, I would be fined \$200. I am dumping this sand on my own land above the tidewater, but if we got a heavy rain, that would wash down onto the mudflats and the warden could come along who is supposed to check this and fine me \$200, and I will be darned if that is democracy in this country today. I say this bill is no good.

The SPEAKER: 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.

Thereupon, Mr. Peterson of Windham requested a roll call.

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 Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: This L. D. is an attempt to respond to constituent problems. There was a lot of question as to what activities on abutting land meant, and this clarifies those activities that the stream alteration act applies to, and the stream alteration act only applies to those activities above the head of tide. It does not affect the activities below the head of tide. The stream alteration act is an act pertaining to streams and rivers, fresh water streams and rivers, and this language is supposed to clarify law. This is an attempt to help the many people who have had problems. Now, if you don't think that it does, let somebody table it and let's find out what it actually does. But we were led to believe that this was a better law than is presently on the books. We were led to believe that it clarified the law.

Right now, the stream alterations act is in question as to whether it also applies to land below the head of tide. There is no language that says that the stream alteration act doesn't apply to tidal waters, and this clarifies that by saying that only those activities above the head of tide come under the stream alterations act. It is making a bad situation better, much better, because right now, the whole river, whether it is tidal or not, can be construed to come under the stream alterations act, and that wasn't the intent of the legislature when it passed the law. This is an attempt to delineate the jurisdiction. It says that the stream alterations act begins at the head of tide. Up here, it is 40 miles upriver.

This is not a divided report. All the Senators, all of the members of the House signed this bill. A lot of work went into it, and we are trying to make things better. This is not a sleight of hand. There was no opposition at the hearing. This is trying to make a better situation out of a poor situation. If you don't understand that right now, let somebody table it and let's get the answers, but don't destroy this bill when it might be helping your constituents, and that was the purpose of the Natural Resources Committee, to clarify, it doesn't make it any more strict.

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

Mr. CURRAN: Mr. Speaker, I move this item be tabled for two days.

Thereupon, Mr. Kauffman of Kittery requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Curran, that this matter be tabled pending passage to be enacted and specially assigned for Friday, May 30. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 26 in the negative, the motion did prevail.

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

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

Tabled — May 23, by Mr. Carpenter of Houlton.

Pending — Passage to be Enacted.

On motion of Mr. Carpenter of Houlton, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-508) was read by the Clerk.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as is now amended from committee with the Committee Amendment, applies it to all counties in the State of Maine. It removes the publication fee which the registrar of probate now has as part of their salaries. It will take the publication fees away from them and turn them back over to the county. In some cases it will save five or six hundred dollars per county; in some cases it will save in the area of \$2,000, and we don't know how much money these people are making. However, whenever an elected official comes in before a particular county government committee and asks for a pay raise, the first thing we say is, "you know how much the job paid

when you ran for it." Well, that works in reverse also. The people who ran for these offices were expecting to make a certain amount of money. That is the reason I have offered this amendment which will make it effective after the 108th Legislature, during which time the 108th can adjust the salaries of the registrars of probate up or down in some cases — in some cases I think it should be adjusted down. All my amendment right now does is make the act effective July 1, 1977.

Thereupon, House Amendment "A" was adopted.

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

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

Bill "An Act Providing that Spousal Consent to Voluntary Sterilization Procedure is Not Required" (S. P. 485) (L. D. 1615) — In Senate, Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed. — In House, Indefinitely Postponed.

Tabled — May 23, by Mr. Gauthier of Sanford.

Pending — Motion of Mr. McMahon of Kennebec to reconsider Indefinite Postponement.

On motion of Mr. Birt of East Millinocket, retabled pending the motion of Mr. McMahon of Kennebec to reconsider and tomorrow assigned.

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

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

Tabled — May 23, by Mr. Bowie of Gardiner.

Pending — Passage to be Engrossed.

On motion of Mrs. Byers of Newcastle, retabled pending passage to be engrossed and specially assigned for Friday, May 30.

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

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

Tabled — May 23, by Mr. Sprowl of Hope.

Pending — Acceptance of Either Report.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to apologize for leaving this bill on the table for so long. We have attempted to work out a problem that has developed. I am not sure it is resolved, but I think perhaps it will be resolved one way or the other as we vote on this bill.

This bill does exactly what it says, prohibits the plugging of lobsters. There are two reasons why a majority of the committee think this bill should be enacted into law. One, when the claws of the lobster are plugged, a break in the inner shell results. This break allows an opening for bacteria to enter a lobster's body. The most common bacteria is redtail, which spread very quickly through lobster populations, particularly while they are pounded.

Prohibition of plugging will greatly reduce the lobster's susceptibility to this disease.

The second reason is that when lobsters are plugged for a long period of time, the possibility exists that plug rot will result. That is not a very pretty term, but it is a problem. Plug rot discolors the meat of the lobster claws where the claw was plugged, leaving an unsightly black discoloration. This results in a less than desirable product for the market. Prohibition of plugging results in the elimination of the plug rot.

And just as a little sidelight, perhaps a little element of demonstration, I do have here, which probably most of you cannot see, are two plugs from a lobster that I had over the weekend that is the result of plug rot, and you can perhaps see if I hold them up that they do have a very black discoloration in them, and this black discoloration also is transferred to the meat and it does make for an undesirable product.

The reason for plugging lobsters is simple, to immobilize their claws so they will not bite the handler, or even more important, so they do not have an opportunity to attack each other.

There is an alternative plugging, but it is not mandated in this bill. It is called banding. The process is very simple, in that a lobster catcher uses banding pliers, and a quick turn of the wrist slips a rubber band that are used for banding of procedure accomplishes the same results, namely immobilizing the lobster's claw and prevents the possibility of redtail and plug rot.

I do have here some very small rubber band that are used for banding of lobsters; unfortunately, I don't have any banding pliers with me, but it is a very simple procedure and a much more effective one in terms of dealing with the problem of the related disease.

Committee Amendment "A" includes the statement that it is illegal to possess plugged lobsters. This was an attempt to guarantee that Canadian lobsters pounded in Maine would not be plugged. There are some pound dealers who feel that Canadians would not longer sell in Maine and hence put them out of business.

Despite contacts in past days with Canadian fishery officials, I cannot guarantee you the Canadians will enact a regulation prohibiting plugging. If we accept the committee report, I shall move to indefinitely postpone Committee Amendment "A" in the hopes that we can enact the original bill at a later date and include possession in the bill that I hope we will pass.

The good gentleman from Hope, Mr. Sprowl, has a constituent who is a lobster dealer and who is very concerned about what the effect of a law that would include possession of plugged lobsters would have upon his business. I ask at this time if that good gentleman would briefly explain his constituents' concern.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I have a fairly large lobster dealer who is located in the town of Rockport, and they buy over a million pounds of lobster from Canada. One half to two thirds of all of the lobster that they deal with comes from Canada, and if this amendment should pass, then it would put them out of business, unless Canada went along with our lead.

Now, the Graffam Bros. in Rockport say that they wouldn't do this, that the

Canadians wouldn't do this, but they would just ship their lobsters to Massachusetts or other markets. So I am very concerned for this business in Rockport. I don't think that any of us came over here to put any business out of business. They have 12 employees there at the lobster plant, and I would just have to stand here and talk all day if you didn't kill that amendment, but I think you will.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I hesitate to rise at this late hour in the afternoon to perhaps speak in favor of plug rot, but some of you may not be too familiar with what the issue exactly is. What is happening is, the scientists feel — and again, it is my opinion they don't have very good proof of this, but the scientists feel that when you have a break in the shell of the lobster, it encourages redtail, which is a disease of the lobster when these lobsters are held in lobster pounds. It is only in lobster pounds that redtail really becomes a problem, and it in fact can wipe out a lobster pound.

However, although these same scientists feel very strongly about this, they go on to continue, in fact our Marine Resources Committee dealt with these just these last weeks, are they going to continue to break the shell or not, the most valuable lobsters that exist today are the female seeded lobsters, so if they are that concerned about redtail and a break in the shell of lobsters, I would assume they wouldn't continue with what I would view in that light would be a very dangerous practice.

Now, if you will remember, the only time that breaking the shell which may then encourage redtail becomes a problem is in the lobster pounds. So exactly what we are being asked to do is, we are asking Maine fishermen to change a tradition which many of them have had for years and years. We happen to band our lobsters. Personally, I think it is easier, but if somebody has plugged lobsters for 20 years, it is quite difficult to change it. For a 50 year old man, it becomes a little bit more than a slip of the wrist when you have to take up a whole new technique. We are asking Maine fishermen to change their techniques that they have used for years and years so that we will have banded lobsters that the dealers can put in their pounds, but at the same time, the dealers can buy plugged lobsters from Canada, and those plugged lobsters are the ones that will get redtail. To me, the whole thing seems to make absolutely no sense at all without the amendment.

So what I think I would ask you to do is ask you to solve the problem with Maine fishermen and let them continue the way they have. If the dealers don't want plugged lobsters in their pounds, all they have to do is not buy plugged lobsters. If they want to buy banded lobsters, they can buy banded lobsters. The dealers have never had any trouble controlling the price along the coast, I am sure they wouldn't have any trouble controlling whether or not they have banded lobsters in their pounds. So we can resolve the problems of Maine's fishermen and at the same time solve the problems about the dealers who don't want to worry about maybe not being able to put some Canadian lobsters in their pounds by simply accepting the Minority "Ought not to pass" Report.

Mr. MacEachern of Lincoln moved that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. GREENLAW: Mr. Speaker, I hope that we do not indefinitely postpone this bill. I don't quite understand why the good gentleman from Lincoln is making the motion, but I do think that this is a worthwhile procedure that we ought to start with our lobster industry here in Maine. I don't really disagree with the gentleman from Owls Head. I would like to see us make it applicable to everyone, but in the spirit of compromise, in trying to get this off the ground, I have agreed that if we did accept the Majority "Ought to pass" Report, I think there are several people who have signed the Minority "Ought not to pass" Report that would in fact be in favor of the bill if we did indefinitely postpone the Committee Amendment.

The gentle lady, I think, if I understood her comments correctly, has indicated that she is not convinced that the scientists, the biologists in the Department of Marine Resources have in fact proven that plugging lobsters does allow the possibility of disease done to lobsters bodies and for redtail to result. I would disagree with that. I think there has been a significant amount of research done to prove that. I think she also knows that the department is very much opposed to the v-notching of lobsters, and the v-notching of lobsters is something that the fishermen persist in wanting to continue.

I would ask, Mr. Speaker, that you oppose the motion to indefinitely postpone this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that this Bill and all 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.

60 having voted in the affirmative and 36 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-471) — Minority (2) "Ought to Pass" — Committee on Agriculture on Bill "An Act to Repeal Milk Control Prices at the Retail Level" (H. P. 208) (L. D. 267)

Tabled — May 27, by Mr. Mahany of Easton.

Pending — Acceptance of either Report.

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

Mr. MAHANY: Mr. Speaker, I move we accept the Majority "Ought to pass" Report as amended by Committee Amendment "A" (H-171).

The SPEAKER: The gentleman from Easton, Mr. Mahany, moves that the House accept the Majority "Ought to pass" Report.

The gentleman may proceed.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few remarks concerning this document. L. D. 267, as amended by the Joint Standing Committee on Agriculture, makes a number of basic changes in the Milk Commission and the pricing mechanism that is used to establish milk prices in the state. The amended version of

the L. D. 267 is the product of testimony heard at two public hearings at the civic center, ideas proposed by the Department of Agriculture, the work of a number of the legislators, including several members of the House, along with the other members of the Agriculture Committee and ideas proposed by producers and dealers.

The document changes the composition of the Milk Commission. Members of the industry are prohibited from serving on the commission. The Milk Commissioners, excluding the Commissioner of Agriculture, will have a background in business administration, utility regulation, economics or accounting as a means of creating minimum milk prices that are related to cost derived from cost analysis of the industry. Furthermore, the present seven-member Milk Commission is reduced to three members and the Commissioner of Agriculture who is not a voting member. L. D. 267 as amended changed the meeting schedule of the Milk Commission from a monthly schedule to a quarterly basis. In the event that more meetings are necessary, the Milk Commission can be convened as is required.

Another major change concerns the annual report of the Milk Commission. The annual report will be presented to the legislature and provide information in regard to the price changes made by the commission and the reasons for the price changes, as well as price changes in the federal order market.

The document as amended creates a very basic change in the price mechanism by which milk prices are established. The amended bill creates a floor price system that is a true minimum price system. Producers' prices are based on producer prices in southern New England plus a cost differential to include importing costs for grains and so forth.

Dealer prices are based on direct processing costs and do not include advertising, container or distribution costs.

The Milk Commission must investigate the books of dealers and establish minimum dealer prices on the average of the direct processing costs of the five lowest cost dealers in Maine. Retail prices are based on the dealer prices and a rate of return deemed reasonable by the Milk Commission.

The Commission must do a study of the industry every three years in regard to the financial costs and health of the industry. The results of the studies will be used to make whatever changes are necessary in regard to the pricing of milk.

Another change concerns the public hearing of the Milk Commission. The document as amended requires the milk commission to allocate time for members of the general public to give unsworn testimony to the commission. This provision should encourage public testimony without fear of presenting information that can be legally used against the public which does not have statistics to support its testimony.

The bill does permit zones of different prices as the original law provided. Basically, the law allows for more competition between processors and in addition it allows dealers more flexibility in regard to the use of advertising, the type of containers to be used and the distribution system it will utilize.

The most important change, however, is the pricing change, since the advertising, distribution and container cost are

different for each dealer, the committee decided not to include these in the minimum wholesale cost. Dealers have passed these costs on. They may develop their own type of advertising, container and distribution system.

Mr. Speaker, and Ladies and Gentlemen of the House, the committee feels this is a good bill as amended; we hope that you will support the motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The only thing that I can agree to that Mr. Mahany said is that the bill, as the bill, is a good bill. The amendment that was prepared by the committee and passed out for your consideration is nothing but a cosmetic amendment. It does absolutely nothing, in my opinion, to lower the price of milk at the resale level. The only thing that this amendment does is, if I read it right and it is somewhat of a complicated amendment, the only thing that it does, it will guarantee the people of the State of Maine that they can rest assured that they will have the highest milk prices in the state if you accept this committee amendment.

As I said before, it is a cosmetic approach and I urge the House not to support Report "A" as amended, but go along with the bill that Mr. Hewes, Mr. Berry, and myself as well as Mr. LaPointe sponsored and what we feel is the right approach for the people of Maine on trying to reduce the high price of milk in this state. Don't be fooled by this amendment. It is absolutely no good as far as I am concerned. It simply does what I just told you, it will guarantee the people of the State of Maine the highest milk prices.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank Mr. Mahany for his rather comprehensive review of the Committee Amendment. I have to concur, however, with the gentleman from Bangor, Mr. Kelleher, that really the essence of this particular amendment, the nuts and bolts of this particular amendment really doesn't change anything at all. It reorganizes the Milk Commission, sets up three public members who don't have any interest or any direct involvement with dairy industry per se. Other than that, it doesn't really do a great deal. It sets down some guidelines whereby people have to present evidence and testimony through the commission mechanism for establishing minimum wholesale and retail prices.

There are some aspects of the amendment that I think are very, very confusing, and I would like to point out to members of the House this early evening, on page 4, Section 3, it says, "Minimum wholesale prices established for payment to dealers and minimum retail prices established for payment by consumers shall be based exclusively on direct processing costs and shall not include packaging, container, advertising or distribution costs." On the surface, that seems like a rather significant statement, but it also appears that we have eliminated one key element in the amendment, and that is the price of milk. It is not even in there. It just talks about processing costs; it doesn't even mention the raw material.

I think that this Committee Amendment, although the committee has worked very hard and long on this particular

amendment it is really clearly superficial and doesn't do a great deal.

You might recall, those of you who were members of the 106th Legislature, we had an amendment that came out of the Agriculture Committee that did something allegedly, everyone says this is the compromise that we have to go with, this is the bill that we have to go with in order to meet the needs of the milk consuming public of the State of Maine. It wasn't until we had a gun, a political gun, at the head of the Maine Milk Commission, with this particular legislation that is pending in this House today, that they ever came around and did anything. You might recall what that amendment was. That amendment established or gave the commission the authority to establish a price differential at the retail level based upon different types of containers used. When did they finally act on that? Just a few short weeks ago.

Men and women of the House, I hope that you do not go along with Committee Amendment "A", despite the hard work the committee has put into it. I think it is a cosmetic amendment. I don't think it is going to do what we want it to do and I think before this session is over if this amendment is accepted, we are going to be calling this the powdered milk amendment, the watered down version. All we have got to do is add water.

The other thing I would like to point out to the members of the House today, this amendment might be viewed as a sort of compromise. I would suggest that it is a cop-out. We are not dealing with the issue. The Republican Party platform has suggested that we abolish the Maine Milk Commission, and we have a bill that is tabled unassigned in this House that would do just that. It didn't get enough votes to come out of committee to get a unanimous report. The Democrat Party has advocated its party platform the abolishment of the retail and wholesale price control, the price fixing powers of the Maine Milk Commission. If we want to do that, I would suggest you go against this Committee Amendment and you support the Minority "Ought to Pass" Report which is the bill itself. I think that is what the milk consuming public of the state wants. I don't think that they want to go along with cosmetic amendments. I think if you accept Committee Amendment "A", nothing will happen.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I am grateful for the reprint of this Maine Milk Commission publication and wish to thank the Clerk's Office and the staff for their assistance in its preparation and distribution and I trust everyone has examined it.

Certainly, this milk pricing bill is a complex, controversial, emotional, economic, perennial, and a political issue. Milk, nature's most nearly perfect food, is healthful and nutritious. It is produced by a marvelous animal of creation, the dairy cow, and this productive bovine has long been considered the foster mother of the human race; but I refrain from placing this bill in the honorable category of some of our previous ones.

The price of milk is of great concern and importance to nearly everyone, especially to families with children. Certainly, everyone would like to purchase this food at the lowest possible cost.

I realize the Maine Milk Commission has come under considerable criticism,

especially this past year, and without doubt may feel this board has not acted responsibly in making certain decisions.

My opposition to the repeal of the milk control prices at the retail level is that this action will have a serious adverse economic impact on dairy farmers, rural areas, and the entire State of Maine. I do support Committee Amendment "A" but I have a few sincere reservations about certain parts of its language.

I sincerely request that everyone give this bill serious consideration and consider well the various implications that will occur by the ultimate repeal of retail price fixing. Your support of this amended bill will reassure my confidence in the intelligence and good judgment of the honorable members of this House.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I was somewhat amused by Mr. LaPointe's reference to the powdered milk bill that we put through here last year. I served on the Agriculture Committee at that time, although I had no part of the powdered milk bill. A good many of the members of last year's Agriculture Committee did think they were putting out a decent piece of legislation; they were convinced of that.

The Maine Milk Commission, however, saw fit to ignore it, and the Agriculture Committee realizes now that the Maine Milk Commission ignored them entirely. Now you are faced with the same thing again. This amendment isn't quite the powdered milk job that you had last time; it is a little better grade but not much. We can wait another two years, we can be fooled again and we can come back again and we can try it all over again. We can have Yankee Milk hung around our necks and the Farm Bureau and everybody else that has been successful over the years in keeping a body whose time ran out years ago, just an obsolete holdover from the 1930's.

I suggest to you that what we ought to do today is not support the Majority "Ought to Pass" as amended and support the Minority "Ought to Pass" Report. That may sound a little confusing, but that is the way the bill came out of the committee. I would hope that you could support the bill without the amendment.

I have explained to you what the amendment from last session did and what it amounted to; this one is the same kind of smoke screen that we had before.

To those of you who don't know it, the Maine Milk Commission budget currently runs about \$70,000 a year, and I guess if you are spending \$70,000 a year, you have got to ask yourself, what we are getting in return? I can tell you what you are getting. You are getting the highest prices for milk paid in New England, for one thing. You get ridiculous public hearings. I have attended two hearings of the Maine Milk Commission, and if any of you have never attended a hearing of the Maine Milk Commission, by all means, travel as many miles as you have to travel to attend one of them, because I can guarantee you that it will be the most disgusting thing you ever attended in your life.

The hearing that was held here a few months ago, my wife wanted to attend. I was glad that she accompanied me, until we got in the hearing, and I wished I had never brought her. She was unbearable to live with for a week. She was totally disgusted with the way the thing was held. If you ever do attend one, I am sure that you will concur with her feelings.

One of the reasons that these things are just so absolutely ridiculous is, first of all, look who is on the commission. Every one of them is a fox in a chicken house. They are all in the business, they all know each other, they are all friends and neighbors, all in the same business. They know each other so well that when they hold a hearing, they don't even have to ask each other questions because they know what the answers are. They make no investigations because they don't have to. They know that they are going to turn out a certain thing from that hearing and they don't even have to go through the formality of asking questions, holding investigations and a body like that is just totally ridiculous.

I am not going to go on at any great length. There is just no end to material and evidence that could be given for abolishing the Maine Milk Commission. It has been before us for years and years. The gentleman, Mr. Torrey, mentioned politics is involved. He is absolutely correct. There is no more political body, no larger political body than the Maine Milk Commission. You have seen evidence of that. You have seen in the very recent past, Mr. LaPointe introduced a bill, all of a sudden the Maine Milk Commission held a hearing to determine whether or not they would consider changing the price of milk packaged in different types of cartons. It is interesting they chose to do that when Mr. LaPointe introduced a bill. They hadn't chosen to do it a year ago, and that was the amendment that the 106th gave to them, the powdered milk bill. You might have noticed just a couple of weeks ago that the price of milk dropped, another interesting coincidence. Maybe it is a coincidence; maybe it is not politics but I happen to think that if there is politics being played, they are not being played in here, they're being played down there, down where the Maine Milk Commission holds their hearing.

Ladies and gentleman, I sincerely hope that when the vote is taken you will defeat the motion that is before you so that we might pass the bill down to the other end of the House, and accept the Minority "Ought to Pass" Report.

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

Mr. HEWES: Mr. Speaker and Members of the House: I support the position that the gentleman from Portland, Mr. LaPointe and the one of the gentleman from Bangor, Mr. Kelleher, and the gentleman from Buxton, Mr. Berry. I hope you do defeat the pending motion, I hope you will vote for the minority report in due time.

You know, the greatest fear is fear itself and the farmers seem to be afraid that something catastrophic is going to happen to them. I don't think so. What we would be doing is going back to the free enterprise system. The law of supply and demand would take over and the price of milk would result in whatever demand determined. We are here to represent the people who elected us and I am certain that the people of Maine want to abolish retail price controls.

I had the pleasure of speaking before a men's group in South Portland-Cape Elizabeth a few weeks ago almost to a man, they wanted to go back to the free enterprise as far as milk control went. This abolition of the Milk Commission or at least doing away with the retail price of the Maine Milk Commission is in both political platforms.

I have here in front of me a clipping:

from a 1965, that's ten years ago, 1965 Bangor Daily News. We recently moved, and there happened to be a joke about lawyers on one side and as I was about to throw it out, I saw on the back side, Headline "House Tables Milk Measure", and this is the Bangor Daily News, February 25, 1965, more than ten years ago and at that time, there was reference to the controversial repeal of the retail Maine Milk Price Controls. Party majority Democratic party platform will be poured out by the combined Agriculture and Business Legislations Committees with 17 opposed and 3 in favor. It told how the House had had it and it goes on. Now, for ten years, this has been before us.

I remember very vividly two years ago, when I spoke on this bill because my wife in those days when she went south of Maine she would buy milk in New Hampshire because the price of milk in New Hampshire was less, sufficiently less, than in Maine. It was worth her while to stop at a store in New Hampshire so as to buy a couple gallons of milk for our children and for the family and if we abolish price controls, which I hope you do do, and if some circumstances in the future do change, there's nothing to say the Legislature, two, four, six or eight years in the future can't rectify any mistake.

I urge you to vote against the pending motion and then, eventually, to vote for abolition of the retail price controls.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen: I have to agree 100 percent with what Mr. Hewes has said to you. In Sanford, every time that I meet people on the street especially people with big families, they say to me "what are you going to do with the milk commission and the prices we have to pay for milk in Sanford"? In fact, I was in Shaw's Supermarket about a couple of weeks ago and I met a lot of people there who asked me the same thing. 25 to 1 are against the price and the milk commission that we have at the present time. One of the ladies at the cash, who was working for Shaw's told me, she says "I'm working in this store and I have to go to New Hampshire to buy my milk". They're buying their milk in New Hampshire for \$1.25 a gallon.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Teague.

Mr. TEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment changes the composition of the Milk Commission. Members of the industry are prohibited from serving on the commission. The milk commissioner, excluding the Commissioner of Agriculture, will have a background in Business Administration, Utility Regulation, Economics or Accounting as a means of creating minimum milk prices. Furthermore, the present seven member milk commission is reduced to three members and the Commissioner of Agriculture, who is not a voting member.

The greatest change is on page 4 of the amendment in paragraph 3 which reads "minimum wholesale retail pricing, minimum wholesale prices established for payment to dealers and minimum retail prices established for payment by consumers shall be based exclusively on direct processing costs and shall not include packaging, container, advertising or distribution costs." With these changes in the Maine Milk Commission Laws, we think we can protect the Maine dairy farmer and also put the retail price of milk



back on a competitive basis for the Maine consumer.

I hope you will vote for the Majority "Ought to Pass" Report.

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

Mr. NADEAU: Mr. Speaker and Ladies and Gentlemen of the House: I agree wholeheartedly with Mr. Gauthier and the other proponents of the Minority "Ought to Pass" Report. It is true, milk is cheaper in New Hampshire as are cigarettes, beer, booze and the like, all the so-called "sin" products. My people are sick and tired of having to pay higher milk prices when they can drive 20 miles away, stop in a little store and buy a gallon of milk in a returnable glass container and pay \$1.25 a gallon. It's not an uncommon sight on a Saturday afternoon to see almost one half of my town in Rochester going to the beer store, going to the liquor store and stopping into this little store and buying milk at \$1.25 a gallon. That's at least 35 cents a gallon which is a pretty large amount, I feel, and I sincerely hope you go against the prevailing motion and to go the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: Just a few comments. In regards to why Maine consumers pay more for milk, there are several answers to this question, and I have said before "no one wants to pay more than is necessary" but the large multi-state dealers who are located in Massachusetts and Connecticut and even in New Hampshire have tremendous cost savings because of the processing and distribution of large volumes of milk and their highly specialized volume operations cater to a limited segment of the market, either gallon jugs or half gallon containers and this high volume, limited service and the distribution practice such as leaving as much as a thousand quarts on any person's loading dock certainly leads to enable them to have lower prices, but by combining the efficiencies obtainable by such volume operations, one can reduce the cost of a gallon of milk as much as 30 to 35 cents a gallon. If you add to this the lower cost of distribution in a densely populated area, such as Southern New England, it becomes obvious that the retail price of milk in such areas should be less than in Maine where no such volume of milk or population density exists.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: It's true in the supermarkets of Maine this is where I meet the mothers. They are there with their Kool-aid kids complaining that they must buy a powdered substance, their children can't get the food needed from the milk because of the cost. High volume of milk, I feel I can speak to the high volume, as the father of six children and buying the groceries every week, nine gallons of milk were regularly consumed in my home and it was difficult.

I urge that you follow and defeat the measure before us and vote for this bill and defeat the amendment.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago, I debated this bill or a bill similar to this quite extensively. It sounds exactly the

same today as it did then. I'm surprised they didn't bring in the expert testimony that was brought in at the hearing out at the Civic Center this spring, that was made two years ago but it was brought up at the hearing so I don't feel as though it's out of line to point it out here that that expert testimony which was brought in two years ago and which was very well done, acknowledged that actually the producers in Maine, the farmers of Maine will get less money for milk overall if you do away with the Maine Milk Commission. Now, if that's what you want the farmers to do, if you want the farmers to get less money, then do away with the Milk Commission, that'll do it, there's no question about it.

Now, I represent the people of Maine, I think, just as much as the gentleman from South Portland, but I think I represent them by assuring the continuance of the Maine dairy farmer and you're going to do it if you retain the Maine Milk Commission. The small processors, the only one available, to service the outlying areas, you think these big dairy chains are going to be putting their gallon containers in little stores up in the north part of Franklin County? Forget it, they're not going to do it. You do away with the Milk Commission and you will shortly be down on monopolistic situation with regards to milk production. When controls have been removed and prices in other states have eventually gone up and they are higher today in those states than they are in the state of Maine today, so don't think that just because you take away the commission and get the monopolistic stores in here who shoot for the fast buck and kill the other market, that you are eventually not going to have high prices, because you are. You can't go by the consumer alone, you want to remember that in order to have a consumer, you've got to have a producer and if you do away with the producers, ladies and gentlemen, there is not going to be any milk for the consumers to consume.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I represent an urban area up in Aroostook County. I don't have more than three or four farmers in my area, in my district and I think Mr. Morton, the gentleman from Farmington, has hit the nail on the head as far as I am concerned. Granted, that possibly we abolish the retail controls or abolish the entire milk commission, I'm almost willing to grant you that initially at least, the price of milk in the stores in the state of Maine probably is going to drop. However, I feel very strongly that we will do just what Mr. Morton said, we will put a lot of small dairy farmers out of business. A lot of people talk about the small, about the inefficient dairy farmers in the state of Maine. I submit to you that if a dairy farmer in the state of Maine today is inefficient, he is not in business. It is that close and I know a lot of them, and I know a lot of them well.

I have relatives who have been in the business for many years, they are no longer in the business, they couldn't make a go of it and they were very good efficient farmers. I submit to you that the inefficient farmers are no longer around and I submit to you further that if we pass some of the measures presently before this House, dealing with the Maine Milk Commission, that we will have considerably less farmers, less small

farmers, I am talking 35 to 100 cows and if we do this, eventually, the price of milk is going to go back and I think it will go back up a lot higher than it is right now. So let's not look at what's going to happen, let's not look at what's going to happen next month if we abolish the Maine Milk Commission or some of the other measures, let's look a little ways down the road.

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

Mr. LaPOINTE: Mr. Speaker and Men and Women of the House: I thought that Mr. Morton would get up and start debating some of the nuts and bolts of this particular issue like he did two years ago and I think it's important that he did. I think it's also important for me to get up and tend to respond to some of the points that the gentleman makes. The gentleman from Houlton, Mr. Carpenter, has talked about the decreasing amount of farms in the State of Maine.

As a result of the analysis that we engaged in a year ago, and it wasn't two years ago, it was about a year and half ago, in the Special Session of the 106th, we took a look at the sister state of New Hampshire which abolished their Milk Commission sometime in the 60's, that is they abolished it in 1960 to be exact. During the period preceding the abolishment of the Milk Commission in our sister state of New Hampshire, between the period of 1964 and 1969, the number of farms decreased from 1363 to 869 for a decrease for a total amount of farms of 36.7 percent. While from the period from 1970 to approximately the present, after the time on which the controls were removed, the number of farms dropped from 869 to 652, there was a 19.4 decrease in the amount of small farms or dairy farms going out of business. In the State of Maine, there is also another remarkable correlation between farmers going out of business and that is that from the years 1970 to the years 1973, the farms that are under the auspices of the Maine Milk Commission's jurisdiction, that is, that they were getting the premium price milk provided under the law through the Maine Milk Commission, there was a total decrease from 20.7 percent. While in the same period of time, the Maine farms shipping to the Boston market, there was only a decrease of 11.8 percent. Now I think the correlation in these figures is very significant because what that points out to me and to a lot of other people, that there is no relationship between farms going out of business and the price setting functions relative to wholesale and retail of the Maine Milk Commission. That's a very, very important bit of data for everyone to digest today. The other very significant factor is that approximately 50 percent and this figure, as we all know, fluctuates from maybe give and take 5 percent, around this 50 percent figure, approximately 50 percent of the farmers in the State of Maine ship their milk to the Boston market, so really the price setting functions of the Maine Milk Commission really only affect approximately 50 percent. In some cases, that figure fluctuates to 45. Maine, of course, as we all know, is a surplus producing state so it's not going to affect all of the farmers in the state, it's going to affect approximately one half of them. I think those are very, very important pieces of information for this House to consider as they think about deciding on what they're going to do on this particular issue this afternoon.

I think it's also important to point out that the transportation costs of the dairy farmer particularly those who ship on the Maine market are set by the Maine Milk Commission, and generally speaking, these costs run higher than those farmers sending to the Boston market. As we testified a year and a half ago, we, in fact, were able to provide information that there were some farmers who were shipping to the Boston market who were getting a better price for their milk than those farmers who were shipping on the Maine market under the alleged premium price fixing functions of the Maine Milk Commission. This is all very important, significant information data for you folks to digest this afternoon.

I hope that you will go against Committee Amendment "A" and I hope that you accept the Minority "Ought to Pass" Report.

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

Mr. CURRAN: Mr. Speaker I request a roll call.

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

Mr. MAHANY: Mr. Speaker and Members of the House: I hope you listened very attentively when the gentleman from Farmington spoke because I think there was a lot of wisdom in what he said. As a matter of fact, what he stated to you, was going to be my final statement but he did it so well there's no need for me to repeat it. I just want you people to think very carefully before you turn down this amendment and I hope you don't turn it down. I hope you pass this amendment because if you want a supply of good milk, if you want good farmers, good producers, then you will keep this amendment, you will vote for this amendment.

Everybody is not so fortunate to live so close to New Hampshire and everybody doesn't have that possibility to drive three or four miles to pick up milk a little bit cheaper but if you look closely at the amendment that I have brought before you, you will see in the new makeup of the commission, the costs of the Southern New England states must be considered where this new commission establishes the price of milk. I have heard many comments here through the winter, "we do not want to hurt the farmers. We do not want to hurt the farmers. We want the farmer to make a living and a profit, we want good milk for the children."

Ladies and gentlemen, you support this amendment and you will be more apt to continue to have good milk for your children and you will continue to have good producers of good milk.

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

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I rise with grave feelings and a great deal of emotion in my heart because upon my return from World War II, I bought a farm in the State of Maine. We call it Alderwood Farms. It goes back quite a few years. I have spent

almost 26 years of my life there. I have raised three children and I had the privilege of selling milk to H.P. Hood, Badger's Farm Creamery in New Hampshire and when the gentlemen back here will tell you that when the New Hampshire Milk Commission went out, nobody got hurt. I want to correct that right here and now, I got hurt and I got hurt plenty. We received less money from the State of New Hampshire on our milk one day after the abolishment of milk controls of New Hampshire than they were getting on the Boston market and we took a shellacking and a good one, and I want you to know one thing right here and now, in the 102nd Legislature, I came down here and my party had in their platform to abolish milk controls and my party has never changed. They've continued to want to abolish it. I don't know why, why-o-why does everybody want to knock the farmer down and drag him out? That's what you want to do. We pay a substantial tax. I pay around \$2,600 tax. We own land, snowmobilers travel over it, everybody uses our property, I consider that a heritage and a privilege and I invite them all to enjoy what little I have on this earth, but I want the record clear, that the Gannett Press does not believe in the farmers of the State of Maine. If they did, they wouldn't have for the last ten years, at every opportunity knock us. We can come out swinging, and don't forget it and when we do, we can take our products off the market and you can have it come in from New York.

You're getting the oil from the Middle East. How do you like the price? Well, how would you like to buy some milk, go down to the country store and on Wednesday morning, be told there will be no milk until Monday morning. Well, this is what you want, you go ahead and abolish everything that is good and look to your neighbors, and I have got a few kind words for Cumberland Farms, if they think so much of the State of Maine, why did they build their plant in New Hampshire? Why didn't they come in here and build a plant? Why didn't they come in here and do business? Every time I turn around, I hear Cumberland Farms, go south and buy your milk cheaper. Why don't you continue a little farther and go up to Concord, N. H. where you can pay a little more for your milk? You can buy your liquor cheaper across the line, you can buy cigarettes cheaper. I would like to ask you how much taxes do those birds pay in the State of Maine?

I would like to have kept out of this, I would have enjoyed my afternoon much more if I had, I am sure, but a gentleman went into my area and he made the remark, how Carroll was going to vote on this bill. Well, George Carroll is selling on the Maine market, under the Maine Milk Commission and George Carroll refused to vote on this bill or any other bill that pertains to the milk industry because I have a conflict. In my heart, I believe it is there, but I want you to know one thing and one thing alone, that the dairy farmer is in a greater bind now, than he has ever been in his life. That everything has doubled and quadrupled in price, that we are at the wall, and I often think of that at the wall, you remember Fidel Castro in Cuba, he said "to the wall, to the wall" if that is what you want to do to the farmer, put him to the wall!

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

Mr. BERRY: Mr. Speaker, Ladies and

Gentlemen of the House: At the risk of boring you to tears on some more of this stuff, I just want to make a couple of quotes from people who have been in the dairy industry for a good many years. I hope before the afternoon is over that you can separate what ought to be facts from what obviously is quite a lot of emotion, and I hope that probably you aren't going to listen too much to some of the scare tactics that you have heard. You hear them on every bill that concerns farmers at all. The poor farmer is always going to be driven out of business regardless of what bill you're talking about. That is the number one thing, that is how you defeat anything that farmers don't want. Maine Legislature has looked out for farmers for longer than you can remember and probably will continue to, I will too.

Now, I would just like to read this to you. This person was a dairy farmer for most of his life. This person was also a raw milk dealer, he sold milk on the Boston Market, he sold milk on the Maine Market, he was eight years president of the Maine Milk Dealers Association, Inc. He was a member of the New England Federal Milk Order Committee and this is what he says, "Right now retail price fixing is the enemy and I believe it is a bigger threat to the industry than the removal of price control."

The SPEAKER: The Chair will announce that pursuant to Rule 19, the gentleman from Limerick, Mr. Carroll and the gentleman from Gray, Mr. Kennedy, will abstain from voting.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Easton, Mr. Mahany, that the House accept the Majority "Ought to pass" Report on L. D. 267. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Birt, Bowie, Call, Carpenter, Connors, Cooney, Curran, R.; Curtis, Dam, Davies, Doak, Farnham, Finemore, Fraser, Garsoe, Gould, Hall, Hunter, Hutchings, Immonen, Jackson, Kelley, Laverty, LeBlanc, Leonard, Lewis, Littlefield, MacLeod, Mahany, McBrearty, Morton, Perkins, T.; Pierce, Powell, Rideout, Rollins, Saunders, Shute, Silverman, Smith, Spencer, Sprowl, Strout, Susi, Tarr, Teague, Tierney, Torrey, Tyndale, Wagner.

NAY — Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Byers, Chonko, Clark, Connolly, Cox, Curran, P.; DeVane, Drigotas, Durgin, Farley, Fenlason, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, LaPointe, Lewin, Lizotte, Lovell, Lunt, Lynch, Mackel, Martin, A.; Martin, R.; Maxwell, McKernan, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, S.; Peterson, T.; Post, Quinn, Raymond, Rolde, Snowe, Stubbs, Talbot, Theriault, Twitchell, Wilfong, Winship.

ABSENT — Carey, Carroll, Carter, Churchill, Cote, Dow, Dudley, Dyer, Faucher, Hinds, Jacques, Kauffman, Kennedy, MacEachern, McMahon, Mills, Morin, Palmer, Peterson, P.; Snow, Tozier, Truman, Usher, Walker, Webber.

Yes, 54; No, 70; Absent, 25.

The SPEAKER: Fifty-four having voted

in the affirmative and seventy in the negative, with twenty-five being absent, the motion does not prevail. Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

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

Tabled — May 27, by Mr. Hobbins of Saco.

Pending — Acceptance of Committee Report.

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

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

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

Tabled — May 27, by Mr. Goodwin of South Berwick.

Pending — Acceptance of Committee Report.

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

The Chair laid before the House the eighteenth 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 27, by Mrs. Berube of Lewiston.

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 nineteenth tabled and today assigned matter:

**SENATE REPORT** — "Ought to Pass" in New Draft under New 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) — 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)

Tabled — May 27, by Mr. Snow of Falmouth.

Pending — Acceptance of the Committee Report.

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

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

Bill "An Act to Promote Efficiency in Public Utilities." (H. P. 1315) (L. D. 1633) — In House, Passed to be Engrossed, May

22, — In Senate — Passed to be Engrossed as amended by Committee Amendment "A" (H-431) in non-concurrence.

Tabled — May 27, by Mr. Kelleher of Bangor.

Pending — Further Consideration. Thereupon, the House voted to recede and concur.

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

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for the Observance of Memorial Day on May 30th" (S. P. 371) (L. D. 1198) ask leave to report: that the House recede from its action whereby it passed the bill to be engrossed, adopt Conference Committee Amendment "A" (H-502) and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-502); that the Senate recede from its action whereby it indefinitely postponed the bill, recede from its action, whereby it passed the bill to be engrossed, adopt Conference Committee Amendment "A" (H-502), and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-502).

Signed  
**MILLS** of Eastport  
**CONNERS** of Franklin  
**JOYCE** of of Portland  
 — of the House.  
**CLIFFORD** of Angroscooggin  
**KATZ** of Kennebec  
**DANTON** of York

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

Conference Committee Amendment "A" (H-502) 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.

The following Communication:  
 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 Indefinitely Postponed Bill, "AN ACT to Establish Purchasing Procedures for the Legislature" (H. P. 1595) (L. D. 1885).

Respectfully,  
 s/ HARRY N. STARBRANCH

Secretary of the Senate  
 The Communication was read and ordered placed on file.

The following Joint Order: (S. P. 537)

**ORDERED**, the House concurring, that the Legislative Council is directed to exercise general oversight over the records of the Legislature to ensure that necessary program services are provided for their efficient management, disposition, preservation and servicing in accordance with the Archives and Records Management Law.

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

Bill "An Act relating to Executive Sessions of Public Bodies or Agencies" (H. P. 722) (L. D. 899) which was passed to be engrossed as amended by Committee

Amendment "A" (H-286) in the House on May 19.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-286) as amended by Senate Amendment "A" (S-187) thereto in non-concurrence.

In the House: On motion of Mr. Rolde of York, tabled pending further consideration and tomorrow assigned.

Bill "An Act Relating to Services Provided by Private Clubs under the Liquor Laws" (H. P. 793) (L. D. 966) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-438) Report of the Committee on Liquor Control was read and accepted and the Bill passed to be engrossed as amended in the House on May 23.

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

In the House:  
 Mr. Norris of Brewer moved that the House recede and concur.

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

Mr. **PIERCE**: Mr. Speaker, Ladies and Gentlemen of the House: This is not one of the most important bills that ever came down the pike but it is important enough for me to not be able to stay in my seat and not acquaint you with it.

This was originally a one-half page bill which several of us took upon ourselves to amend to a five page amendment, that's how important we thought it was. I would just very briefly like to tell you what it is all about, then you can decide whether or not you want to recede and concur.

This bill concerns bottle clubs in the State of Maine and there are right now about 200 of them. I will tell you right now, that they are ripping off the State of Maine. They are in business without a license, they are in business without any regulation, they are making money and they are giving none of it to the state.

All we have done with this amendment is simply make them live up to the regulations of the State Liquor Commission, which means that they can't stay open until six o'clock in the morning; they can't allow minors to drink on the premises. Right now, if a liquor inspector went in, if he could get in, the only thing he can do at one of these bottle clubs is arrest people for selling liquor. If he walked in and there was a 13-year-old drinking there, there is nothing he can do about it. All I ask in this amendment is that they close on time and this is not going to affect the good bottle clubs, and 95 percent of them are good bottle clubs. It is going to protect them because it is going to keep the flim-flammers out of the business and it is going to close the few that are bad.

Under this proposal, they would be required to have a \$50 license fee. Now, I don't think that is too much to ask, less than a dollar a week to stay in business. I would remind you, with 200 of them, if we licensed them for \$50 apiece, that is \$10,000, which we could take in for the State of Maine free and clear, and I think this is one place where we should tighten up these laws and I hope this will establish my reputation as one of the Drys in the House, and I would remind you of this. I hope you will vote not to recede and concur and think that a liquor bill that is signed by both my friend, Jake Immonen and my friend, Ray Faucher, the majority report, cannot be all bad.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, 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. 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 Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: Very briefly, and I moved that we recede and concur because certainly, in my opinion, this bill doesn't have much of a chance. I am convinced about the definition of a private club. Just exactly where are we going to be, where are we going to go, who are we going to include in this? I don't think that a bottle club is defined. Does it mean that I have a group of people at my house and everybody brings a bottle, one of these 'bring your own bottle' deals and they invite them to wedding showers, and they invite them to all sorts of things, am I, under this law, going to have to go to the Liquor Commission and obtain a \$50 license? I agree with the concept of the bill and I understand exactly what the good gentleman from Waterville is talking about, but I am afraid that we're going to include a lot of people here under this bill who really shouldn't be included and that is the reason that, as I say, to be expedient and not to have this bounce back, then die away from here, that hopefully we could follow along this afternoon.

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

Mr. PIERCE: Mr. Speaker, in regards to my good friend, Mr. Norris' comments, I would certainly say that whether or not this bill has much of a chance, I am not sure, but it surely won't have much of a chance if we recede and concur so again, I urge you not to.

I would refer my friend, Mr. Norris to Committee Amendment "A", filing No. H-438, where it very clearly on the first page, defines exactly what a bottle club is. I won't take your time to read the whole thing, but it spells it out in black and white, exactly what a bottle club is and who comes under it.

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

Mr. GOODWIN: Mr. Speaker, I would like to ask the gentleman from Waterville, Mr. Pierce, or perhaps a member of the Liquor Control Committee, if this amendment H-438 was drafted and more or less put on the bill, without any type of hearing or any type of input from any of the people involved in this, in other words, this may be a good idea but the question I have, was there any input on this from any of the people affected, any of the bottle club people?

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Pierce, who may answer the question if he so desires.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: In response to my friend Mr. Goodwin's question, there were

many people from bottle clubs around the state who were at the hearing. In fact, the original bill, they were quite upset with some of its concepts, which is why we changed it, really entirely, and this amendment, I arranged for two of these bottle club owners to meet with Bob Graham, head of Liquor Enforcement, and they worked out the language, they are very happy with it. Most of them feel it will protect them and they certainly have had very good input into this.

The SPEAKER: The Chair recognizes the gentleman from St. Agatha, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I attended the hearing when this was brought up in its original form. The original L.D. 966 was to dispose of or legalize bottle clubs. What you have here is an amendment to allow them to remain open, require them to be licensed, require them to conform with the liquor laws and operating hours. I had two constituents here from northern Aroostook County testifying against the bill. All of a sudden this amendment pops out of the Liquor Control Committee. Ladies and gentlemen, I would ask you to vote to recede and concur. This is a very bad amendment.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: I would thank the good gentleman from Waterville, Mr. Pierce, and I look at his amendment and it says, "a bottle club shall mean any person operating in a bona fide manner" (and I don't know what that means) "for the object of recreational and social activities, a club in which members provide their own alcoholic beverages and said beverages are not sold on the premises by the owner or owners of the bottle club." I submit to you, ladies and gentlemen, it's completely nebulous; you don't know who it is or where it is. If I invite a half dozen people to my house tonight and say bring your own bottle, am I in fact operating a bottle club? The amendment doesn't address itself to the problem, believe me. We can continue on debating here all afternoon but really, the expedient thing to do with this poorly drafted amendment is to recede and concur. It has no guidelines; it doesn't define "club", it could be anybody. It's a bad, bad bill.

Mr. Pierce was granted permission to speak a third time.

Mr. PIERCE: Just two points, Mr. Speaker, Ladies and Gentlemen of the House: First of all, to answer my friend Mr. Martin when he said all of a sudden this amendment appeared. This amendment did not appear all of a sudden, it took us some time to work it out and as I said, we had the bottle club owners in on it, the liquor enforcement people, a legislative assistant, etc., and the majority of the committee favors this, I would like to add. My only answer I guess to Mr. Norris can be, I think most of us live in a home and not a clubhouse and that's the only way I can define that.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I would pose a rhetorical question to all members of the House, have any of you been lobbied by one of our favorite lobbyists out in the hallway, Mr. Beliveau, who I believe runs one of these bottle clubs? I would suggest that if

you haven't been lobbied, probably it is a very good bill and we should pass it.

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 recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bennett, Berry, G. W.; Berry, P. P.; Curtis, Dam, Goodwin, H.; Gray, LeBlanc, Lizotte, Mackel, Martin, R.; McBreaarty, Norris, Perkins, T.; Peterson, T.; Powell, Rideout, Shute, Spencer, Twitchell.

NAY — Albert, Ault, Bachrach, Bagley, Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carpenter, Carroll, Chonko, Clark, Connors, Connolly, Cox, Curran, P.; Davies, DeVane, Doak, Drigotas, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Lavery, Leonard, Lewis, Littlefield, Lunt, Lynch, MacLeod, Mahany, Martin, A.; Maxwell, McKernan, Mitchell, Morton, Nadeau, Najarian, Peakes, Pelosi, Perkins, S.; Pierce, Post, Quinn, Raymond, Rolde, Saunders, Silverman, Smith, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Wagner, Wilfong, Winship.

ABSENT — Carey, Carter, Churchill, Cooney, Cote, Curran, R.; Dow, Dudley, Dyer, Faucher, Gauthier, Hinds, Jacques, Kauffman, Lewin, Lovell, MacEachern, McMahon, Mills, Miskavage, Morin, Mulkern, Palmer, Peterson, P.; Rollins, Snow, Talbot, Tozier, Truman, Tyndale, Usher, Walker, Webber.

Yes, 20; No, 96; Absent, 33.

The SPEAKER: Twenty having voted in the affirmative and ninety-six in the negative, with thirty-three being absent, the motion does not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

Bill "An Act Concerning the Required Height of Motorcycle Handlebars" (H. P. 900) (L. D. 1087) on which the Majority "Ought to Pass" Report of the Committee on Transportation was read and accepted and the Bill passed to be engrossed in the House on May 27.

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

In the House: On motion of Mr. Strout of Corinth, the House voted to insist.

Bill "An Act Concerning the Mounting of Red Lights on Vehicles Operated by Volunteer Firemen" (H. P. 990) (L. D. 1338) on which the Minority "Ought to Pass" Report of the Committee on Transportation was read and accepted and the Bill passed to be engrossed in the House on May 27.

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

In the House: Mr. Strout of Corinth moved that the House insist.

Mr. Finemore of Bridgewater moved that the House recede and concur.

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

Mr. STROUT: Mr. Speaker, I really don't understand why anybody would oppose this bill. If you read L. D. 1338, which maybe a lot of you haven't, I don't know, but what it says is when authorized by the municipal officers of a municipality and countersigned by the fire chief, a red blinker or a flashing red signal light, not more than five inches in diameter, shielded from the driver of the vehicle so that the light will not interfere with his vision shall be mounted on the dashboard of the motor vehicle operated by a member of the volunteer fire department.

What this does basically, it moves the light from the grill to the dash.

Mr. Speaker and members of the House, I hope you oppose the motion to recede and concur.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: In my little town, we have got a population of 895. We have got 30 snow plows with circular lights. We have got 23 firemen with red lights. We have got two deputy sheriffs that belong in the town, five that belong in the surrounding towns that patrol our little town, and if you give us much more, you might as well give it to us all and we will all have red lights.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: All this bill does is lets the municipal officers of the towns or cities say whether or not their volunteer firemen shall have red lights mounted on their dash. Right now they are all on the mudguards, the fenders up front and they are very hard to see, and this is a volunteer firemen's bill. But I would like to impress upon you that all we are doing is letting the local towns and cities say whether they will let them do it or not. We are not saying they can do it; we are not saying they can't do it. All we are doing is saying that if your town says you can do it, you can do it, but it is up to Home Rule. That is all this bill says.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would just like to touch on why this bill is needed. We have had a couple of problems in our town with volunteer firemen trying to get to the station and getting caught in — not a real traffic jam, you don't get traffic jams in South Berwick, but getting behind a slow driver and oftentimes they just can't see the small light that is down on the grill. It would just make it a lot more visible to see when they are going through town, and I think it is something that is needed.

It isn't a major piece of legislation, but it could help a lot of individuals just getting to the fire station a lot sooner than they are doing now, and I think that is important.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I support this bill. I can't see where it will do any harm. I don't know how many of you have ever been around a small town when the whistler goes off, but I will tell you, I don't mind having a light. I would like to give them sirens, anything else they need. If you happen to be standing anywhere near to the road, you are liable to get run over. So I think we ought to support this bill.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I support this bill because if they have a red light on their car, they might not have to wear red suspenders.

The SPEAKER: The pending question before the House is to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 7 having voted in the affirmative and 91 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist.

Mr. Pelosi from the Committee on State Government on Bill "An Act to Abolish the Commission on Intergovernmental Relations" (H. P. 1415) (L. D. 1709) reporting "Ought Not to Pass"

Mr. Farnham from the Committee on State Government on Bill "An Act to Create the Maine Licensing and Permit Procedures Review Commission" (H. P. 1444) (L. D. 1750) reporting "Ought Not to Pass"

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

Mr. Hobbins from the Committee on Judiciary on Bill, "An Act Creating a Correctional Policy for the State of Maine" (H. P. 1031) (L. D. 1319) reporting "Leave to Withdraw"

Mrs. Clark from the Committee on Business Legislation on Bill "An Act to Prohibit a Creditor from Telephoning a Debtor at the Debtor's Place of Employment" (H. P. 664) (L. D. 838) Reporting "Leave to Withdraw"

Mrs. Clark from the Committee on Business Legislation on Bill "An Act to Authorize Barbers to Practice Barbering in a Beauty Shop" (H. P. 1330) (L. D. 1642) Reporting "Leave to Withdraw"

Mr. Sprowl from the Committee on Labor on Bill "An Act Clarifying Administration Procedures of the State Board of Arbitration and Conciliation" (H. P. 816) (L. D. 1000) reporting "Leave to Withdraw"

Mr. Martin from the Committee on Labor on Bill "An Act Relating to State Board of Arbitration and Conciliation" (H. P. 424) (L. D. 517) reporting "Leave to Withdraw"

Mr. Theriault from the Committee on Veterans and Retirement on Bill "An Act Providing for Increased Survivor Benefits under the Maine State Retirement System" (H. P. 946) (L. D. 1214) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-518) on Bill "An Act to Make Attendance at a Rehabilitation Program Mandatory for the First Offender Convicted of Operating under the Influence" (H. P. 964) (L. D. 1217)

Report was signed by the following members:

Messrs. COLLINS of Knox  
MERRILL of Cumberland  
— of the Senate.  
Mrs. MISKAVAGE of Augusta  
Messrs. HUGHES of Auburn  
McMAHON of Kennebunk  
BENNETT of Caribou  
GAUTHIER of Sanford

HENDERSON of Bangor  
HEWES of Cape Elizabeth  
SPENCER of Standish

— 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. CLIFFORD of Androscoggin  
— of the Senate.  
Mr. PERKINS of South Portland  
— of the House.

Reports were read.

Mrs. Boudreau of Portland moved that the House accept the Majority "Ought to pass" Report.

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

Mr. PERKINS: Mr. Speaker and Members of the House: Very quickly, you will note that I am on the minority report on this particular bill, and while I initially say that the concept of the bill unfortunately, as it came out of committee, was not as it was originally intended, I have to admit that I wasn't at the Executive Session when this was initially taken up. Most recently I raised some questions about it, and I think other members of the committee recognized some problems with it, and yet it is out and before us now for decision.

I would like to point out what the bill does. The idea behind the bill was to provide that anyone convicted of operating under the influence would be required to take a mandatory training program, the so-called ASAP program, 10 hours of study before getting their license back. As it presently stands, the law provides that anyone will lose their license for a period of four months and they may have it restored after a 30-day period if they go through the so-called ASAP program, which is certainly very good indeed.

Under the law as it presently stands, also, after a period of four months, if you have not taken that particular program, you automatically may have your license restored by applying for it with the Secretary of State's Office. Unfortunately, what we in committee did, trying to have the best of both worlds, we decided that we would amend this bill, retaining the provision that an individual may get his license back if he goes through the training period and he can get it back within a 30-day period and he may get it back after a 4-month period without the training session, which is the intent of the bill. However, before he can get it back after a 4-month period, he must request a hearing. Consequently, what we have done is, we have made it much more stringent. The reason that we didn't require that the so-called training session was because we recognized there are some people who live in the so-called "boonies" or happen to be in the service station, naval station, and are out of the state and cannot take this training session and we felt that they shouldn't necessarily because of the limitations in locations, be required to take their training session and we thought, certainly, the 4-month period would be long enough period of time to be without a license, and they should have it restored.

Well, what we in fact now have done, we have made it much more difficult because we have now said that they must have a hearing first, even after a 4-month period of time, and that hearing may take as long as two months. Consequently, they may not get their license back for a period of 6 months.

I don't fault the committee. I think the committee worked very hard on the bill. I apologize myself to the committee members, as well as the House, for my not being present at the time it was taken up and perhaps we are not giving it the proper study. However, I would hope, for those people, in order to be sure we don't have the people in the rural areas getting stuck not getting their license for as long as 6 months and still not going through the training session. I would hope we do not accept the Majority Report.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: As a signer of the Majority Report, I would urge the House at this time to accept the "Ought to pass" Report and I would concur with the gentleman from South Portland, Mr. Perkins, that it is not so much in error, but there might be some change that could be made in the bill, at second reading an amendment which would allow a person who by some circumstance cannot attend one of these rehabilitation courses to apply to the Secretary of State for a hearing and get that problem resolved before the 4-month period arrives so he doesn't have to wait 6 months.

I don't think we have to make our decision today, though, on this long-term extension problem, so I would urge the House to accept the "Ought to pass" Report and we can accept a minor amendment later if the House so desires.

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Boudreau, that the House accept the Majority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 65 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-518) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act to Increase Accidental Death Benefits Paid to Firemen, Policemen, Wardens and State Police" (H. P. 1456) (L. D. 1747)

Report was signed by the following members:

Messrs. COLLINS of Knox  
O'LEARY of Oxford — of the Senate.

Mrs. KELLEY of Machias  
Mrs. LAVERTY of Millinocket

Messrs. NADEAU of Sanford  
LEONARD of Woolwich  
THERIAULT of Rumford  
CURTIS of Rockland  
MORTON of Farmington

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-519) on same Bill.

Report was signed by the following members:

Messrs. MacEACHERN of Lincoln  
USHER of Westbrook  
POWELL of Wallagrass Pit.

— of the House.

Reports were read.

(On motion of Mr. Theriault of Rumford,

tabled pending acceptance of either Report and tomorrow assigned.)

Five Members of the Committee on Election Laws on Bill "An Act to Require the Closing of Voter Registration 32 Days Prior to an Election" (H. P. 20) (L. D. 28) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-515)

Report was signed by the following members:

Mr. BERRY of Cumberland — of the Senate.

Mrs. BOUDREAU of Portland

Messrs. BUSTIN of Augusta  
TALBOT of Portland  
KENNEDY of Gray

— of the House.

Four Members of the same Committee report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-516)

Report was signed by the following members:

Mr. CORSON of Somerset — of the Senate.

Mrs. DURGIN of Kittery

Messrs. BIRT of East Millinocket  
MACKEL of Wells

— of the House.

Three Members of the same Committee report in Report "C" that the same "Ought Not to Pass"

Report was signed by the following members:

Mr. O'LEARY of Oxford — of the Senate.

Messrs. SHUTE of Stockton Springs  
CALL of Lewiston

— of the House.

Reports were read.

(On motion of Mr. Birt of East Millinocket, tabled pending acceptance of any Report and tomorrow assigned.)

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Establish the Death Penalty for any Person who Murders a Police Officer while Committing a Felony" (H. P. 1383) (L. D. 1698)

Report was signed by the following members:

Messrs. COLLINS of Knox,  
CLIFFORD of Androscoggin,  
MERRILL of Cumberland

— of the Senate.

Mrs. MISKAVAGE of Augusta,  
Messrs. SPENCER of Standish  
PERKINS of So. Portland,  
BENNETT of Caribou,  
HUGHES of Auburn,  
HENDERSON of Bangor,  
GAUTHIER of Sanford,  
HOBBINS of Saco

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-521) on same Bill.

Report was signed by the following members:

Messrs. McMAHON of Kennebunk,  
HEWES of Cape Elizabeth

— of the House.

Reports were read.

(On motion of Mr. Rolde of York, tabled pending acceptance of either Report and tomorrow assigned.)

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

(H. P. 1283) (L. D. 1579) Bill, "An Act to

Authorize the Leasing of Space in the Cumberland County Building by the Supreme Court" — Committee on State Government reporting "Ought to Pass"

(H. P. 1622) (L. D. 1897) Bill, "An Act to Create the Commission on Education Finance" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-507)

(H. P. 1426) (L. D. 1695) Bill, "An Act to Provide Compensation to Employees on Wages for Jury Service" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-525)

(H. P. 889) (L. D. 1064) Bill "An Act to Establish a Statute of Limitations with Regard to the Negligence of Design Professionals" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-526)

(H. P. 856) (L. D. 1070) Bill, "An Act Concerning the Filling of the Office of Register of Deeds" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-527)

(H. P. 1228) (L. D. 1754) Bill, "An Act to Establish the Citizen Woodcutting Act" (Emergency) — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-523)

(H. P. 1350) (L. D. 1654) Bill, "An Act Relating to the Rebate of Unearned Finance Charges under the Maine Consumer Credit Code" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-512)

(H. P. 1405) (L. D. 1783) Bill, "An Act to Reinstate the Insurance Premium Finance Company Act" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-513)

(H. P. 771) (L. D. 942) Bill "An Act Concerning the Appellate Division of the Supreme Judicial Court" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 622) (L. D. 760) Bill "An Act Relating to Compensation in Eminent Domain Proceedings" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-514)

(H. P. 1036) (LL D. 1522) RESOLVE, Authorizing Charles E. and Nancy Twitchell, or Their Legal Representative, to Bring Civil Action Against the State of Maine — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-520)

(H. P. 1158) (L. D. 1812) Bill "An Act to Implement the Recommendations of the Maine Traffic Court Advisory Committee" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-522)

Bill "An Act to Require the Carrying of a Concealed Weapons License when a Concealed Weapon is Carried" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-524) (H. P. 1301) (L. D. 1602)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 29, under listing of the Second Day.

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria

for State Title in Coastal Islands," House Paper 965, L. D. 1209, the Speaker appointed the following conferees on the part of the House:

Mrs. NAJARIAN of Portland  
Messrs. COONEY of Sabattus  
FARNHAM of Hampden

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

Bill "An Act Relating to Contracts of Teachers with Municipalities" (H. P. 1033) (L. D. 1339)

Tabled — by Mr. Garsoe of Cumberland  
Pending — Motion of Mr. Kelleher of Bangor to reconsider receding and concurring.

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

Mr. CARPENTER: Mr. Speaker and Members of the House: I would ask for a division of the motion to reconsider.

This is a bill that I kind of helped through the House here regarding school teachers running for municipal office, and due to my ineptness, I allowed an amendment to be put on the bill which I consider not to be germane. I didn't think to question it. I don't know how the Chair would have ruled, of course, but the bill went down to the other body and they removed that amendment which was the gentleman from Waterville, Mr. Carey's, which would allow municipal employees to run for school boards. Because this is a bill dealing with the contracts of teachers, I would hope we could keep this bill somewhat pure and that if the gentleman from Waterville, Mr. Carey, or anyone else in the body would care to bring one in to handle municipal employees, they could do that under a separate title.

I would hope that we do not reconsider where we receded and concurred this morning. All the other body did was removed that amendment that dealt with municipal employees running for school boards.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I know that Mr. Carey of Waterville has a great interest in this bill, and I notice he has been absent from the House today, so I would respectfully ask someone to table this for two days pending reconsideration so we could get the input from the gentleman whose amendment has been removed.

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

Mr. CARPENTER: Mr. Speaker, would it be proper to ask this bill be tabled unassigned?

The SPEAKER: The gentleman may move to a time certain.

Thereupon, on motion of Mr. Kelleher of Bangor, tabled pending his motion to reconsider and specially assigned for Friday, May 30.

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

Bill "An Act Relating to Marine Resources" (S. P. 276) (L. D. 934)

Thereupon, Committee Amendment "A" (S-179) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act to Institute a Fee System for Hospital, Nursing Home and Boarding Home Licenses to Fund Costs of Licensing" (H. P. 1129) (L. D. 1405) (C. "A" H-482)

Tabled — by Mrs. Post of Owls Head  
Pending — Adoption of Committee Amendment "A"

Thereupon Committee Amendment "A" (H-482) was adopted and the Bill assigned for second reading tomorrow.

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

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

Tabled — by Mr. Jacques of Lewiston  
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 following tabled and later today assigned matter:

Bill "An Act Relating to Nuclear Power Plant Construction" (S. P. 381) (L. D. 1232)

Tabled by — Mr. Rolde of York  
Pending — Motion of Mr. Farley of Biddeford to accept the 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: I know it has been a very long day. I don't think there is any sense to table this bill another day, but I would ask you to give me the courtesy of listening for a couple of minutes to some remarks that I have prepared, because I do think this bill is an important bill. If we are not going to pass it, so be it, but I hope that you would give it some consideration and perhaps we can see about amending it.

Yesterday, by a very narrow margin, we rejected the opportunity for the legislature to become involved in the application process for the construction of a nuclear power plant. The bill presently before the House does not involve the legislature, but rather expands those areas of concern which must be addressed before the PUC issues a certificate of convenience and necessity required for the construction of a nuclear power plant.

The bill establishes a nuclear fission power plant review committee which must consider several aspects of nuclear power plant operation and related problems which the state does not presently consider, regulate or control. Those areas of concern addressed in this bill include: One, effectiveness of all safety systems; two, storage and disposition of radioactive waste; three, liability restrictions be removed or adequate compensation be guaranteed to Maine people in the event of an accident; four, radiation safeguards after decommissioning of a plant; five, evacuation plans in the event of an accident or threatened accident.

Your immediate reaction may be that this is a lot of emotionalism. I personally make no pretense about being as knowledgeable about these matters as I would like to be, nor do I believe there is anyone in this House who can say that there is nothing to be concerned about. The proponents of nuclear power argue continuously that nuclear power's safe track record speaks for itself. It is critically important that nuclear power has the best possible safety record. Can any of us imagine the ramifications a

nuclear accident would have? This is truly one area of life in which we can allow no accidents to happen.

Why should there be so much concern about nuclear power plants in Maine?

The answer I would offer is that Maine meets basic studying requirements better than any other state in the East. Those desirable features include cold water, low population density, favorable seismic and climatic conditions. We may well see a move to have Maine become one of the nuclear energy centers where a great number of nuclear facilities are proposed.

Let me briefly indicate the types of concerns that are being expressed elsewhere and an incident which reflects my concern about safety. New York's Attorney General was presently suing the nuclear regulatory commission for flying shipments of a plutonium and other radioactive materials into Kennedy Airport. What might our response be if those same materials were flown into one of Maine's major airports? In late March of this year, 1200 employees were evacuated from a nuclear power plant in Waterford, Connecticut where 1,000 gallons of radioactive contaminated water overflowed in a boiler.

Let me reiterate in conclusion what I think this bill accomplishes. It extends those areas of consideration concerning nuclear power plants which are not presently covered with state or federal regulations. I ask you to give this measure your careful consideration and I would further ask that you vote against the Majority "Ought Not to Pass" Report so that we could accept the Minority "Ought to Pass" Report and tomorrow I would offer an amendment that I think would alter some of the objections that this bill presently has.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I have had a lot of correspondence on this bill and there are a large number of my constituents support this so when we take the vote, I would ask for a roll call.

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I just had the opportunity to review the proposed redraft of L. D. 1232 and on the basis of the redraft which is going to be submitted, I am going to vote against the "Ought Not to Pass" Report. I think that the redraft addressed itself to what is a profound problem and a fundamental contradiction in the whole nuclear development area. That is that on the one hand, we are told that the nuclear facilities are absolutely safe, and on the other hand, in order to obtain insurance the electrical industry has had to obtain approval of the Price-Anderson Act in Congress which limits their liability and establishes a fund that will pay off any claims in the event of an accident.

The fact appears to be that the fund is far smaller than the potential damage

from an accident if one were to occur. I think that with stories of Maine being a suitable site for the development of a whole series of nuclear power plants that there ought to be some mechanism where the state reviews the fundamental question as to whether the people of Maine are adequately protected in the event there is some kind of an accident.

Under the Price-Anderson Act there is a limit set on liability which is far less than the damage which could be anticipated if an accident were to occur. The contradiction that I find in this is that if the technology is sufficiently developed there is no substantial risk of an accident, it would appear to me that the private insurers would be able to figure out some way to insure these facilities without limiting their liability to the extent they have been limited. I think that as long as that situation remains the people of Maine are not protected in the event that there is some kind of release of radioactive material. I think that this measure, as proposed in the redraft, is something that we ought to consider very seriously.

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Farley, that the House accept the Majority "Ought Not to Pass" Report on Bill, "An Act Relating to Nuclear Power Plant Construction," House Paper 381, L. D. 1232. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Berry, G. W.; Birt, Boudreau, Bowie, Burns, Curtis, DeVane, Durgin, Farley, Farnham, Hewes, Higgins, Hunter, Immonen, Jackson, Joyce, Kelleher, Laffin, Lewis, Littlefield, Lynch, Maxwell, Morton, Nadeau, Norris, Quinn, Rideout, Shute, Stubbs, Tarr, Teague, Wilfong.

NAY — Albert, Ault, Bachrach, Berry, P. P.; Bustin, Byers, Call, Carroll, Chonko, Clark, Connors, Connolly, Cox, Curran, P.; Davies, Drigotas, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hutchings, Ingegneri, Jalbert, Jensen, Kany, Kelley, Kennedy, LaPointe, Lavery, LeBlanc, Leonard, Lizotte, Lunt, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McBreairty, McKernan, Mitchell, Najarian, Peakes, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Powell, Raymond, Rolde, Saunders, Silverman, Snowe, Spencer, Theriault, Tierney, Torrey, Twitchell, Winship, The Speaker.

ABSENT — Bagley, Bennett, Berube, Blodgett, Carey, Carpenter, Carter, Churchill, Cooney, Cote, Curran, R.; Dam, Doak, Dow, Dudley, Dyer, Faucher, Fraser, Garsoe, Gauthier, Hinds, Jacques, Kauffman, Lewin, Lovell, MacEachern, McMahon, Mills, Miskavage, Morin, Mulkern, Palmer, Pelosi, Peterson, P.; Rollins, Smith, Snow, Sprowl, Strout, Susi, Talbot, Tozier, Truman, Tyndale, Usher, Wagner, Walker, Webber.

Yes, 32; No, 70; Absent, 48.

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

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

(Off Record Remarks)

On motion of Mrs. Tarr of Bridgton,  
Adjourned until nine-thirty tomorrow  
morning.