

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 21, 1975 to July 2, 1975

**Index**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, May 29, 1975

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

Prayer by Father Frank Morin of South Portland.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees  
Ought Not to Pass**

Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Relating to the Maine Criminal Justice Academy" (S. P. 175) (L. D. 555)

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

**Leave to Withdraw**

Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act Relating to County Home Rule Powers of the County Delegations" (S. P. 398) (L. D. 1307)

Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Establishing Financial Disclosure Procedures for Elected and Appointed Officials" (S. P. 473) (L. D. 1607)

Came from the Senate with the Reports read and accepted.

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

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

**Ought to Pass with  
Committee Amendment**

Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-183) on Bill, "An Act Requiring that the Judicial Council Report to the Legislature" (S. P. 257) (L. D. 833)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-183) as amended by Senate Amendment "A" (S-210) thereto.

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

Committee Amendment "A" (S-183) was read by the Clerk. Senate Amendment "A" to committee Amendment "A" (S-210) was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A", thereto was adopted in concurrence and the Bill assigned for second reading tomorrow.

**Ought to Pass**

Committee on Public Utilities reporting "Ought to Pass" on Bill "An Act to Prohibit the Arbitrary Imposition of Certain Fuel Charges by Electric Power Utilities" (S. P. 469) (L. D. 1603)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-212)

In the House, the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-212) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

**Divided Report**

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Authorize Bond Issue in the Amount of \$1,050,000 for Acquisition and Construction of Facilities for the Care and Treatment of the Severely and Profoundly Mentally Retarded" (S. P. 172) (L. D. 623)

Report was signed by the following members:

Messrs. HICHENS of York  
BERRY of Androscoggin  
GREELEY of Waldo

—of the Senate.

Mrs. POST of Owls Head  
Mrs. LAVERTY of Millinocket  
Mrs. MORIN of Old Orchard Beach

Messrs. GOODWIN of South Berwick  
KENNEDY of Gray  
SPROWL of Hope  
LaPOINTE of Portland  
LOVELL of Sanford  
CURRAN of South Portland

—of the House.

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

Report was signed by the following member:

Mr. HENNESSEY of West Bath

—of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

Mr. Goodwin of South Berwick moved that the House accept the Majority "Ought not to pass" Report in non-concurrence.

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

Mr. HENNESSEY: Mr. Speaker, Ladies and Gentlemen of the House: Having been interested in the problem of retardation and serving on the Advisory Committee for Retardation and having served two terms as President of the Bath Association for Retarded Citizens, being fully aware of the existing problems and what Pineland was before we succeeded in getting Levinson Center in Bangor, which I believe changed to care and treatment for those in the one to five age group.

To date, Levinson Center is the only facility in the state that takes children in the age group one to five, and I fought for that facility as I am fighting for this proposed facility. This is an age group we can work with to develop so they will not have to be institutionalized.

A vital and most important service will be counseling services for parents. The emotional trauma a parent or parents face when they are told their child is mentally retarded can be totally devastating. This is one area that has been overlooked for far too long.

To renovate Pineland to meet the required standards it would cost more, much more than a new facility. Why? The old buildings would have to be gutted, renovation would be started with only a shell. There would still be only a ground level entrance; elevators and ramps would have to be installed. At the present time half of the buildings do not meet the fire and safety standards, and 144 residents at Pineland are living in substandard housing.

Pineland is in an out of the way location. A new facility in a more accessible area would benefit the parents as well as the children. It would make it easier for them to visit their children in a normal home atmosphere far removed from the institutional atmosphere which now exists.

Counseling would be available when their problems need attention. One only has to look at the visiting pattern of Pineland to realize the problems involved in this area.

The Maine Association for Retarded Children has worked diligently over the years to maintain some of these children's homes within various communities. This facility would not only benefit those living in it, but would also provide services for the handicapped within the community; for example, physical therapy, speech therapy, the services of physicians, also there will all be contractual services.

Development and evaluation within the facility-organized programs with the intent of helping a child develop learning skills would be primary. Children would be observed as they participate in specific programs and then evaluated as to their adaptability.

To reiterate, the benefit of having this facility in the Portland, Biddeford-Saco area would afford us the facilities and staff of the Maine Medical Center and the Mercy Hospital. Mercy Hospital offers the homemaking services as well and these also would be contractual services.

In summary, R.N.'s would serve in the capacity of housemothers, as well as being involved with all programs within the facility. This is being done at Levinson Center in Bangor and very effectively so.

As to the questions some may ask are we attempting to de-institutionalize Pineland? The answer is absolutely no. The children we are concerned with are in the age group one to five only. Why should it be necessary to construct a new facility when Pineland exists? Keep in mind Pineland was begun when we were first warehousing people, and the most important factor we would still be in an institutional atmosphere not easily accessible to reach and far removed from community life itself. We are already busing children to day-care centers in Portland from Pineland just as we are busing children in the Bangor area to the Levinson Center.

Question, why another facility in the Portland, Biddeford-Saco area because Pineland is not taking children in this one to five age group. Also, the Portland, Biddeford — Saco area is a concentration of the population in the State of Maine.

I would like to mention also that I had the privilege of speaking to the Portland group of the Maine Association for Retarded Children at their 25th anniversary, at which time Ann Pride was honored for her 30 years of dedicated work with the handicapped to keep these people out of places like Pineland.

Facility proposal — There would be three units, two of which will be living accommodations of 18 beds each for a total of 36 beds, plus a third unit to be used for training and treatment. These children will receive approximately three months care, training and treatment before returning home or being placed in foster homes, depending on their family situation. This is the exact type of program we now have at Levinson Center and it has been proven that it works.

The concept of this type of facility is obvious. Why shouldn't we give to these children the opportunity to live in a normal environment? Do we have the right to deprive them of living as normal a life as possible because we ourselves are selfish and don't want to accept that which is unpleasant to face?

Mr. Speaker, when the vote is taken, I move it be taken by the yeas and nays.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: To fight a report of this kind is futile, and I am certain that many, many who signed this report could very easily have found themselves in the position Mr. Hennessey is in and the position I would place myself in.

I will go along with the majority of the committee with the proviso that they would make, through their chairman, an agreement that this problem be studied. This is more serious than some would know. There is actually one type of a child that is a vegetable baby so-called. I mention it because I witnessed this happen.

I received a call three or four years ago from a man who wanted me to go to his home, and after some talking, I realized the seriousness of his problem, so I went to his home and there was this child lying in the crib, an absolute vegetable. You could have taken that child and thrown it up against the wall and the child would have felt nothing. The child, however, was also throwing this to the other children. Ultimately, when I told the parents what would happen to them, the man was infuriated with me, but within one year, one of their other children, six years became so bad that there was only two recourses — to place the child six years of age into Pineland and to also have the other child turned over to the authorities as positively and absolutely incurable; yet, if remaining in that home, would have given the same situation of depressions and retardation to the other children. And I witnessed, in front of Judge Paul Cote of Lewiston and a nurse, the father and the mother in the judge's chambers. I witnessed the mother handing over to the nurse, and before the handing over, the judge again repeated to the parents — "Remember, when you turn that child over, you can never see this child again. That is when I left. That is when the judge wanted to leave, and quickly, that is when the nurse left, and you can imagine the plight of the parents.

This is a very, very serious problem and it needs study. This measure should have gone before the Appropriations Committee. The House Chairman was talked to on this, and I was, and I agreed that it would go before the Health and Institutional Services Committee because of the philosophy of the problem. And in voting with the majority "ought not to pass", I beseech the House Chairman to consider putting an order in to study this all important, serious problem.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I was hoping I wouldn't have to speak on this, but I had better.

First of all, to answer the gentleman from Lewiston, Mr. Jalbert, I do plan to try and introduce an order through the committee to do some work on this very important problem that we do have. But in relationship to this bill, there are a lot of questions that remain unanswered with this bill. I think what I would just like to do is just give you a little bit of an idea what this bill is going to cost.

The bill calls for a \$1,050,000 bond issue to build a southern regional center someplace in York or Cumberland County. The yearly budget of that center will be roughly \$900,000 to \$1 million, encompassing something like 86 total personnel. That

number is to serve 30 residential beds and some out-patient work and dental work and therapeutic day care.

The problem I have with this bill is the fact we are spending all this money for 30 beds for the severely and profoundly retarded people who are going to continually need institutional care, where I feel this money could be better used throughout the State of Maine in many areas that are already identified by the Department of Mental Health and Corrections for the educable and trainable class of mentally retarded people who will, in the long run, if we can supply them with some services, not need institutional care all their lives.

I feel it is incumbent upon this legislature and our committee to work on this problem to come up with a better solution than simply another institution. And even though we were shown a lot of slides and a lot of new ideas as far as types of buildings they are going to use and bringing it into the community and all this type of thing, what we are still doing is passing a bond issue here and dedicating the state to about a million dollars a year for another institution to handle 30 beds, some outpatient work which can be handled at a lot less cost with existing private agencies such as Abilities and Goodwill, Saco Valley Association for the Retarded and Waban Association for the Retarded in that area. Whereas there are many areas of the state, the Washington County area, the mid-coast area, the tri-county area, which are severely lacking in any types of programs for the educable, trainable or severely and profoundly retarded children, and I think this is the route we have got to go, and to try to take limited existing resources for the mentally retarded and try to get the most amount of services we can get for those dollars, and I think this is what the committee was indicating by their vote. They are not against services for the retarded and we just want to get the most we can for our money.

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 South Berwick, Mr. Goodwin, that the House accept the Majority "Ought not to pass" Report in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLLCALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carroll, Churchill, Clark, Cote, Curran, P.; Curtis, Davies, Drigotas, Dudley, Durgin, Farnham, Fenlason, Finemore, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Henderson, Higgins, Hobbins, Hunter, Hutchings, Jackson, Jalbert, Jensen, Kany, Kauffman, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahon, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Perkins, S.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Silverman, Smith, Snow, Snowe, Spencer,

Sprowl, Stubbs, Susi, Talbot, Teague, Theriault, Torrey, Tyndale, Wagner, Winship.

NAY — Bachrach, Berry, P. P.; Carpenter, Chonko, Connolly, Cox, Curran, R.; Dam, Doak, Dow, Dyer, Farley, Flanagan, Fraser, Goodwin, K.; Hennessey, Hewes, Hinds, Hughes, Immonen, Ingegneri, Joyce, Kelleher, Laffin, Leonard, Lewin, Lizotte, Mills, Pelosi, Perkins, T.; Peterson, T.; Rideout, Rollins, Saunders, Shute, Tarr, Tierney, Truman, Twitchell, Usher, Walker, Webber, Wilfong.

ABSENT — Bennett, Carey, Carter, Connors, Cooney, DeVane, Faucher, Jacques, McKernan, Strout, Tozier.

Yes, 95; No, 43; Absent, 11.

The SPEAKER: Ninety-five having voted in the affirmative and forty-three in the negative, with eleven being absent, the motion does prevail.

Sent up; for concurrence.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Requirement for Indictment by a Grand Jury After Finding of Probable Cause by a Court of Competent Jurisdiction (S. P. 247) (L. D. 820)

Report was signed by the following members:

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

Messrs. GAUTHIER of Sanford  
HUGHES of Auburn  
BENNETT of Caribou  
PERKINS of So. Portland  
SPENCER of Standish  
HEWES of Cape Elizabeth

Mrs. MISKAVAGE of Augusta  
— of the House.

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

Report was signed by the following members:

Messrs. HENDERSON of Bangor  
McMAHON of Kennebunk

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

Mr. Gauthier of Sanford moved that the House accept the Majority "Ought to Pass" Report in concurrence.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House; I would like to call your attention to a little bit of information that came across your desks a few minutes ago concerning the Grand Jury and I would like to call your attention to this bill, very forcefully, if I may, because I think, quite frankly, I don't think I used this before but I think that this is really a dangerous piece of legislation that is being proposed. This is a proposal to amend the Constitution so it ultimately will be up to the people but I think we have to take very serious consideration on whether this House wants to approve a major departure from the legal history of this country and from our roots in England.

This bill, basically, changes a section, the first Article of the State of Maine Constitution. The article is labeled Declaration of Rights and in that article is a section 7 which now gives one the right to

be indicted by a Grand Jury for so-called infamous crimes, that is, felonies, robbery, murder, assault, etc. What this proposed constitutional amendment would do would be to take away that right from Maine citizens. I stress Maine citizens, because this article in the Maine Constitution was patterned after the fifth amendment of the Federal Constitution. The Federal Constitution Amendment says that no person shall be held answerable for capital or otherwise infamous crime unless on the presentation of indictment of a Grand Jury, except in war related cases. Now, that sentence is virtually the same in our Constitution. This proposal changes it to take out a vital element. We have the right to be indicted by Grand Jury, except upon information for an infamous crime after finding a probable cause by a court of competent jurisdiction. In other words, we would not have the right to indictment by Grand Jury if the court and the prosecutor found probable cause.

It seems to me this is something we have to look at very seriously. There have been various arguments raised concerning the Grand Jury and they may be brought forth in a few minutes, one of which is that the Grand Jury has problems with it. Yes, I would agree that it does, that sometimes it may be too compliant with prosecutors but not in all cases.

A case in point I would call your attention to is some alleged misconduct of the Franklin County Commissioners. Headline in the Bangor Daily News of May 7th, says, "Jury Finds No Basis for Indicting Commissioners". Now, I don't know anything about the County Commissioners of Franklin County and what they are up to or what they are not up to, the point is that a prosecutor, on maybe somewhat politically related pressures, seemed to require that he bring indictment against these people. The Grand Jury found that there was not enough evidence to indict them. We may find later on that there is. The point is, the Grand Jury, a jury of members of that area, citizens, disagreed with a prosecutor. If there had not been such a Grand Jury, these commissioners may have been brought to court and gone through various procedures and, again, I don't know whether it was legitimate or not, the point is, they would not have been protected.

There have been other elements of the Grand Jury which have been criticized and excerpts from this article that I sent around make two points, but where the little dots are in the middle, there is a long history of the Grand Jury and some of the problems they have been faced with, but even after this long inquiry into what has been going on, the author concludes that abolition of the Grand Jury is not the answer.

Now, this bill does not completely abolish the Grand Jury but for many intents and purposes, it seriously weakens it and is probably on the way to abolition.

It goes on to say, on the underlined section at the bottom of that, "it would be foolish indeed to abandon the primary barrier between the accused and the accuser", the Grand Jury, and what ought to be done is that this thing ought to be reinforced and maybe reformed but not eliminated. This historically has been a barrier between the government and the people, as far as very often political and also major criminal indictment for harassment; this is the only kind of protection that we have right now.

Another argument in favor of this change, and then I will sit down because the longer you talk, the less people listen.

as everybody can see, I guess, but one of the arguments is that this will create an efficiency in our court system. We had a court reform bill the other day — wonderful — we passed that and that is great. I think we ought to have efficiency in our criminal justice system, we ought to have enough belief in our prosecutors but one of the things we can't afford to do, I feel, is to take away basic rights in the name of efficiency. At some point, we have to stop and I would say that the people who are proposing this change are also involved in proposing eliminating the right to a jury trial in other areas. I think this is something that we have to be very concerned about and, Mr. Speaker, I would move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I agree with the gentleman from Bangor and this is why I signed the report with him. The Grand Jury serves as a circuit breaker between the rights of the people and the efforts of a possibly over-zealous prosecutor. This system has worked for a very long time, it has its roots in antiquity and the guarantee is included in our Maine Constitution.

I support the motion to indefinitely postpone the bill and I ask for the yeas and nays.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the pending motion to indefinitely postpone. This proposed bill does not eliminate in any way the ultimate trial before the 12-person jury that we are so well acquainted with.

Under our present system, before there can be a finding of guilty against an individual in many cases, the majority of cases referred to by the gentleman from Bangor, Mr. Henderson, there must be three hearings. This would eliminate one of those three hearings. It would not in any way eliminate or affect the ultimate trial before the traverse jury or petit jury or the 12-person jury that we know of, it would eliminate the second hearing.

Now, the three hearings, the basics are, the hearing for probable cause before a district court judge and supposing the gentleman from Jay's store or restaurant had been broken into and he would have to go testify at a probable cause hearing, he or one of his employees, so he would lose time from work on that particular day. At the hearing before the district court judge, and if the judge finds probable cause, then the accused is bound over to Superior Court or the Grand Jury. Of course, if the district court judge does not find probable cause, the charge is dropped at that point.

Then, we have the hearing that we are hoping to eliminate by the passage of this L.D., L.D. 820, and that is a hearing before the Grand Jurors. I have only been before the Grand Jury on one occasion and there was a group of perhaps 20 citizens and the witness was not cross-examined. You talk rather informally, you are asked questions by Grand Jurors, but it wasn't an adversary hearing and only one side was presented, the state's side. I feel that that could be eliminated, that particular phase.

Then, of course, if the Grand Jury indicts, you have a regular trial before the jury and there might be an appeal to the appellate court afterwards. It seems to me

that the gentleman from Jay, Mr. Maxwell, would have to appear at the second hearing, the Grand Jury hearing, and they go to court for the ultimate trial, so he would have lost from work, parts of three days or perhaps three days work to ultimately result in a finding of guilty in the ultimate trial.

It seems to me, in this day and age, we don't need this intermediate step because we do have a hearing on probable causes and I think the district court judges are very conscientious and they don't find probable cause frivolously, they want to make sure that the state has their case before they find probable cause.

In the testimony given to us by District Attorney Thomas Delahanty, Jr., he said that he had been involved in hundreds of criminal prosecutions and only on one occasion was there a finding of probable cause by a district court judge when there was not an indictment by the Grand Jury and in that particular case, facts came out before the Grand Jury hearing and he aid if he has been prosecuting at the time of the trial he would have dropped that particular charge anyway. So in effect, the Grand Jury, basically rubber stamps the probable cause findings for the district court judges.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I fully support the position of Mr. Henderson. I think one sentence in his talk sums it all up. The federal government, at the present time, requires a grand jury presentment before there is an indictment and a trial.

I have been before a Grand Jury and I can assure you that it is not a routine matter. First of all, there is the integrity of the United States Attorney or the County Attorney or the Prosecuting Attorney or whatever he is called. You must rely to a certain extent on the integrity of this person to produce the evidence on which he is going to move forward. At best, even in the Grand Jury, there is a selection of evidence, that is understood, and I don't think anybody would contradict it, contradict it at all, but I would maintain that the selection of evidence for a probable cause where a prosecuting attorney is smart enough to know what will convince a Judge is very often much less than it would be for a Grand Jury presentment.

I do not believe that those 14 persons, 12 persons, or how many there are, just sit there and just inanimate receptacles for whatever the witnesses say. I have been before the Grand Jurors on very sophisticated matters and I was amazed at the questions which these Grand Jurors put to me or any other agent, and I would say this, you go before the Grand Jury, you would like to be as limited as possible. You know and the prosecutor knows that you have a good case and you say, why isn't this just a routine thing? And you are honest about that, but when those Grand Jurors begin to ask questions, many times, in a very naive way, it is true, but those questions elicit more and more and more. That means that the person who is testifying must go into the crime more deeply than perhaps he would have liked to, not to conceal anything, but he thought it was not necessary to overburden them, but by doing this, the Grand Jury has a complete picture of the crime and this kind of stuff can be later available to the defense attorney.

I would say that this is a bad bill because it takes away another safeguard to protect a person who may be unjustly accused and



I would vote for the indefinite postponement of this bill.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I don't think anyone in this House is more sensitive to the civil liberties of our citizens than I am, but I did sign this report "Ought to Pass" because I think the protection given by a Grand Jury is more apparent than real. I worked for a year in the county attorney's office and was involved in the presentation of a number of cases to Grand Juries, and all that time there was only one case turned down, that is one case in which they didn't find probable cause for indictment and that was a case we didn't believe in either and simply kind of put it in to see what they would do with it. Had there not been a Grand Jury, we would not have prosecuted the case. They pretty much have become, I believe, tools of the prosecution in this country, that is, they, by law, get only the prosecution's side of the case, and the way in which that case is presented, you can make a clear enough case to get a probable cause finding.

I think they are inefficient in that they cause a delay from the time in which you get a probable cause ruling by the district court, then you have to bind the case over to a Grand Jury, which can be the next day or it might not meet for 3 or 4 months. So you have that delay built into the system again. Now, if the delay was worth it or I could see real value coming out of that procedural delay, then I would support it, but I haven't seen that from my own experience.

There is additional cost, there is the cost of running a Grand Jury a couple of times a year for a couple of weeks, 23 people; there is a cost of all the supportive services that go along with it, there are the county attorneys who spend that couple of week period doing nothing but presenting cases to the Grand Juries, there are the costs of bringing in the witnesses one more time, as the gentleman from Cape Elizabeth has said, so it just seems to me, with a non-balanced decision, non-balanced procedural safeguards of having the Grand Jury, simply were not worth the cost and inefficiency they caused and that is why I voted with the majority that this bill "Ought to Pass".

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

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

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

#### ROLL CALL

YEAS: Albert, Birt, Blodgett, Bustin, Clark, Connolly, Cote, Cox, Dam, Davies, DeVane, Doak, Fraser, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Ingegneri, Jensen, Kelleher, MacEachern, Mahany, Martin, A.; McBrairty, McKernan, McMahon, Mills, Morin, Morton, Najarian, Palmer, Peakes, Pelosi, Pierce, Quinn, Raymond, Rolde, Saunders, Smith, Snowe, Stubbs, Wagner, Wilfong and Winship.

NAYS: Ault, Bachrach, Bagley, Berry, G.W.; Berry, P. P.; Berube, Boudreau, Bowie, Burns, Byers, Call, Carpenter, Carroll, Carter, Chonko, Churchill, Conners, Curran, P.; Curran, R.; Curtis, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Gould, Hall, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kany, Kauffman, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacLeod, Martin, R.; Maxwell, Mis-kavage, Mitchell, Mulkern, Nadeau, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Powell, Rideout, Rollins, Shute, Silverman, Snow, Spencer, Sprowl, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher and Walker.

ABSENT: Bennett, Carey, Cooney, Faucher, Laffin, Mackel, Norris, Strout and Webber.

Yes, 45; No, 95; Absent, 9.

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

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence, the Resolution read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Repeal the Law Requiring Fixed Wage Rates to be Paid on Public Works" (S. P. 301) (L. D. 1025)

Report was signed by the following members:

Messrs. ROBERTS of York  
TARR of Bridgton

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

— of the House.

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

Report was signed by the following member:

Mr. McNALLY of Hancock

— of the Senate.

Came from the Senate with the Majority "Ought Not to Pass" report read and accepted.

In the House: Reports were read.

Thereupon, on motion of Mr. Tierney of Durham, the Majority "Ought Not to Pass" Report was accepted in concurrence.

#### Divided Report

Majority Report of the Committee on Local and County Government, reporting "Ought Not to Pass" on Bill "An Act Relating to County Administration of Certain Federal Programs" (Emergency) (S. P. 416) (L. D. 1312)

Report was signed by the following members:

Messrs. JACKSON of Cumberland  
GRAFFAM of Cumberland

— of the Senate.

Messrs. WALKER of Island Falls  
GRAY of Rockland  
CARPENTER of Houlton  
HENDERSON of Bangor

#### TRUMAN of Biddeford

DAM of Skowhegan

Mrs. KELLEY of Machias

Mrs. BERRY of Madison

— of the House.

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

Report was signed by the following members:

Mr. CARBONNEAU of Androscoggin

— of the Senate.

Mrs. BERUBE of Lewiston

Mrs. MARTIN of Brunswick

— of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-200)

In the House: Reports were read.

The gentleman from Skowhegan, Mr. Dam, moved that the House accept the Majority "Ought Not to Pass" Report in non-concurrence.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to accept the "Ought Not to Pass" Report. What this bill does if you accept the "Ought to Pass" Report is turns over to the counties the handling of CETA funds by law, but I believe only three counties can do this today because they have to have a population in excess of 100,000. My objection to this is not any particular prejudice against counties but the fact is that we do have a Maine State Employment Service that has been handling programs, such as this, for the last 10 or 15 years. You recall, every year or two, we get a similar program that will have a different alphabetical lettering or name but it's in reality the same idea. Now this group, in the state employment service, has handled these programs for years, they are staffed to handle it, they know their business, it involves training of under-employed, and unemployed people and they run countless training programs down there. Most of them don't turn out to be much good and neither would this if it's run by the county but they have the experience of setting them up and running them, so if you pass this bill, all you're doing is making three counties a little different than the rest of the counties. We have employment offices scattered all over the state. There are one or two counties, Piscataquis is one, which is so small in population that it does not have a state employment office but it is ably handled from the Bangor office, so I therefore urge you not to accept the "Ought Not to Pass" Report.

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

Mrs. MARTIN: Mr. Speaker and Ladies and Gentlemen: I am one of the members of the committee who signed the "Ought to Pass" Report. I don't want the county officials handling this CETA money. I think it belongs to the Manpower Division. If the County Committee had the right to handle this money, I, for one, don't believe that it can be handled right. After seeing how some of the county funds have been handled by the commissioners, I question the ability to handle any money whether its state, federal or otherwise.

I have been told this morning that this was the Governor's bill. Well, I don't know which one is the worse evil, the

commissioners or the Governor but I'll take my chance with the Governor this time.

I hope you people vote the "Ought to Pass" Report and I also request the yeas and nays.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I'm not going to go into a very long dissertation on this thing. I would just suggest to you that the gentleman from Poland, Mr. Torrey, would bear me out when I make the statement that this town was told that they had 7 people that they could hire and the members of the selectmen did the hiring, nobody else and he would tell you so himself. On that basis, Mr. Chairman, and regardless of the other reason, the report is solid enough for me, I move for the indefinite postponement of this bill and all of its accompanying papers and when the vote is taken I want to ask for yeas and nays.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I hope you will vote against the indefinite postponement of this bill. I know that Cumberland County has the population to qualify with farm-sponsored CETA funds but I know that Cumberland County also lacks any administrative capabilities to handle this and since there is a lot of uncertainty about the future roles of county government and its structure, it seems foolish to start them off with these great, new responsibilities which will require a lot of time and talent when they have been performing so poorly with their present responsibility. I have a feeling that the counties are just reaching out for survival by attaching themselves to a federal program without having any real appreciation or understanding of the importance of this undertaking and since they have a demonstrated track record of failures in so many areas, this would undoubtedly fail again in this area and the ones that would ultimately suffer are the unemployed and the under-employed and I hope you will vote against the motion to indefinitely postpone.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I speak today not only as a legislator from Windham but also as Chairman of the Cumberland County Legislative Delegation and it has been a concern of many members of the delegation that Cumberland County would be possible to be a prime sponsor, in fact, they are now administering some CETA positions without the legislative delegation's authorization. The feeling was so strongly against allowing the commissioners to administer this kind of program, there was a motion made before the committee of the whole, to include a zero, zero, budget item under CETA administration. We have a problem in Cumberland County in that there is a credibility gap between the general public and the county commissioners. The legislative delegation in December, after having been elected, met with the county commissioners and were told that we probably would have a surplus in our budget for the fiscal year 1974. The delegation did some homework, did a little work and found out that we had a \$83 to \$84,000 thousand dollar deficit. Now, if county commissioners do not know whether they have a deficit or whether

they are running a solvent budget in December, the last month of the calendar year, should we be turning over to them this kind of administration?

There has come a communication, across our desks this morning, from a member of this body and on page 3, I would just like to go down some of the reasons, the question is asked "why should the counties be prohibited from prime sponsorship?" and I think these are worth listening to and I think they are worth considering. A: They do not have the manpower planning experience or capabilities of the state office of manpower planning.

B: They do not have any present responsibility for planning or coordination of services related to manpower e.g. manpower training, human service programs, such as those performed by communities over the state, transportation, vocational education, etc. The fiscal management capabilities of a number of counties are being seriously questioned by many, including legislators who are opposing this bill. My prefatory remarks represent what is said in C.

D: Failure to enact this bill will have the effect of broadening county powers at a time when I believe almost everybody is asking, what should be the future role of county government in Maine? Should we pre-empt the outcome of the county government study almost every legislator feels this session will request?

E: I think this is the most important one, because there are record numbers of unemployed people out there, who these kinds of programs would help significantly. It says with unemployment at record levels, it is no time to jeopardize the delivery of manpower services to the introduction of county government involvement in the process and I think this is the one we have to carefully consider.

I don't know how many county delegations had trouble with their county budget in trying to get them to balance but really there is a credibility gap between myself and the county commissioners and the general public at large in Cumberland County and the County Commissioners and I think that this kind of legislation is necessary to restore confidence, not only in the state legislature, but in the fact that county government will do those things that it is specifically designed to do and not the delivery of manpower services.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The good friend and representative from Windham, Mr. Peterson, spoke about Cumberland County being overdrafted \$83,000 and he questions if they should have the authority to enter into any of the other programs. He also spoke about credibility and what this overdraft had done to the credibility of the commissioners in regards to the people. Well, that is very serious, because he questions if we should give them any more power to run programs, that even makes it more serious because that's only \$83,000 but the state of Maine, for the various departments have overexpended \$9 million, \$10 million, \$20 million, so I question if we shouldn't cut them off. I question that if we should continue to give the state departments money when they have overexpended. I think that it's a serious question involved in the people's mind as to the credibility of this body or the other body when we do these funny things so I don't think it's any different on a county level than it is on a state level

except that on state level we throw it away by millions instead of thousands, that's the only difference.

Now as far as expending, administering the programs, personally I don't think we have had very good administration under the state and I know what is happening in various municipalities in this state and I can use my own town as an example of one because I don't like to mention names of other towns but in my own town with the help and support of the Maine Employment Security Commission, a scheme was set up with the administration of the CETA program where the town of Skowhegan would fire one policeman, one fireman. Then he would go to the unemployment office and he would draw unemployment for two weeks, then he would be hired back under CETA. Now this is not what the CETA program was set up to do. It was not set up so that people could be fired from municipal payrolls, then hired back under a federal program. It was done to expand job opportunities in the state of Maine. My community is not the only community that tried this. Maybe some have gotten away with it, my town did not. If we allow this program to continue in the posture it is in, we are only doing one thing. We're saying to the State of Maine and to the chief executive that he can have 800 or 900 or a thousand jobs funded under a federal program so that as the state workers get through because there won't be any raises or a sufficient amount for them and they may be looking for other jobs or they may have to be let go because maybe the budget won't be big enough to keep that department going, then the chief executive can fill these 800 job slots or use some of the 800 job slots to fill these vacancies with CETA personnel and again the primary function of the CETA program is defeated. Now this is happening, personally, I believe at a county level it is brought back much closer to the people who are involved, they have a much more direct say and as far as cost of the administration of the program, it does not have to come out of the county funds. In the federal program itself, there is ample opportunity for the money to be handled for the administration and even with the handling of the administration through that part of the CETA program, it does not, in any way, affect the number of job slots that are available to the people. It is not money taken from the jobs to administer the programs and this is an entirely a separate part and separate function of the program. So I don't think that is valid at all and certainly not from the fact what we have seen from the present administration in the State of Maine of the program.

There are municipalities that have people on the CETA payroll, they have created jobs for these people just out of thin air, there is no attempt to put these people in a job where they might be retrained or refitted or where they could be kept on in the municipal payroll in case that they needed them later on. They just hire them and put them anywhere doing jobs. In my town alone and again I use my town and not name special towns, but I know four other small towns in this state that have done the same thing, we have got CETA job slots but we can't utilize all our people so we send them to an adjoining town to do a little work, because that way, we can still keep them under CETA and we keep them busy and some of them we just send out and they just put in their time and that's about it.

These programs aren't getting the

proper administration now, so I don't say that it is going to be any worse under the county administration, I don't say it is going to be any better, and as far as just two counties being able to administer the program, that is true and that is correct at this moment but already and prior to this bill, back to the first week of March, there are already plans in to form another consortium of five counties so that they can administer the CETA programs on their level and this is five of the smaller counties, my county being one and the adjoining counties that neighbor mine will form a consortium so we can administer on a local level so this is nothing and as far as the budgets of the counties are concerned, this is not anything that enters into this picture. This has nothing to do with the CETA program, a lot of people couldn't manage money or manage even to keep their checkbook balanced, but my gosh, they can be the best boss in the world when it comes to managing people and keeping them busy. So when you put money and people together that's like just mixing nothing with nothing and that's all you get is nothing out of it, so I don't think that is valid and so today I would hope that you would go along with the majority report of the committee on this bill and that is the "Ought Not to Pass" and as you can see as far as the signers of the "Ought to Pass" Report comes, they only come primarily from two counties. The Committee on Local and County Government is a good cross section of the state with members of the various counties, small counties as well as large.

So again, I ask you to go along with the "Ought Not to Pass" report.

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

Mr. WAGNER: Mr. Speaker and Members of the House: I just want to pose a brief question to anyone who may care to answer. As I read, I get the impression from previous speakers that this bill is seen as a prohibition against prime sponsorship by counties. Well, as I read the last sentence of the bill, it says "unless authorized by special legislative act, the county may not be a prime sponsor" so it would seem to me that this bill does not foreclose the possibility of say Penobscot County if they wish to have prime sponsorship and can present through their representatives evidence to the legislature that they are capable of administering this program better than on a state level that case could be made and they could be designated as a prime sponsor. Well, perhaps another county, Cumberland might not be, so it would seem to me in that sense it is a permissive bill and I just raise that point and ask if this is not the case?

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I just thought at this time that I would remind you that a Joint Resolution memorializing the U.S. Secretary of Labor to deny prime sponsorship to Maine counties was passed in the Senate and the House on March 25, 1975. It seems to me that we have already made the decision under this memorial that we would not allow, in fact, we did not want counties to become prime sponsors of the CETA program and it seems to me that this bill has already received the approval of the legislature and, therefore, we should continue in the same vein as the memorial we have already passed.

The SPEAKER: The Chair recognizes

the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker and Members of the House: I suppose its inevitable that my seat mate, the gentleman from Skowhegan, Mr. Dam and I would sooner or later disagree. He, as he has told you, is unemployed. He also has spoken rather warmly of the relationship which he enjoys with the commissioners in his county. Therefore, I have to feel that he is hopeful at some future date that the commissioners in his county will offer him employment under a CETA program.

I would also like to comment on what happened when I appeared, two weeks ago, on a talk show on the subject of county government in the Portland area. A lady called from Scarborough and she was quite vehement in stating that she hoped we would not remove people farther from their government by abolishing counties, and she informed me then that she enjoyed dealing very much with the nice young gentleman from Scarborough, Representative Higgins, I am sorry he is not here. I asked her if she knew who the county commissioners were in her county and she was unable to name them.

We would have to wonder who is closer to the people, those of us who work here in Augusta, in state government or those who serve on County Commissioners in Cumberland County.

I would also like to note that most of the towns and cities in the state are opposed to turning CETA administration over to county government, they have been dealing with the state, they deal with the county. I think that their preference should tell us something.

One other point, the sponsor of this bill, Senator Conley comes from the City of Portland, all the commissioners come from the greater Portland area in Cumberland County. They are elected at large, none of them represent the smaller communities in the state such as that community so ably represented by the lady from Bridgton, Mrs. Tarr. Evidentially the good senator from Portland, Senator Conley does not feel that commissioners who come from Portland should be handling these funds.

Finally, it is our understanding that a study of county government will soon be before us. It would seem to me that we might not wish to assign additional functions to a county pending this review of that form of government.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I am not too well qualified. I have not the eloquence of the previous speakers on this bill. I see this as a struggle that has been going on for the past two years between MMA, who would like to control these funds and County Government, who finally were given the designation by the Federal Government. All these camouflage given to the Manpower Affairs all comes because of MMA. I can't see continuing MMA in its present form. I can't see them using taxpayers dollars that they grab from communities in order to fight the taxpayers in the long run. I am a little bit appalled at this association at the underhanded methods that they use in trying to uproot government that has already been designated to CETA programs by the Federal Government to these counties.

I think it is about time, that we in the legislature, took a hard and long look at MMA and their activities. I think it is time

that they be sat down and I am tired of seeing them use my tax money in order to fight me as a taxpayer. This is all what it comes from, they are trying to undermine in order so that they can control these monies and I don't think it is right. I hope that we kill this bill.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have worked on a study of county government. I also silently have seen the reform for the municipal of the court program be talked about, I have not said one word about it. The program was studied by a committee that I served four years ago and the programs are now being put into effect that were put out to pass here two years ago because they landed on the Appropriation's Committee Table and there was not enough money to fund it.

I would like to suggest to the good gentleman who mentioned the sponsor of the bill who is a very close friend of mine that this is a county commissioners organization situation and I think it is really wrong to mix in the county commissioners and as far as that is concerned, while I am at it, you would think the county commissioners were one-armed bandits and I just don't believe we think that. I only got myself interested in this thing, frankly, because of the situation that happened in Poland and this was going to give all the power in the world and this and that. Poland, being in my county, I got interested in it and I have made a statement. The good gentleman, I spoke to him about it before, but I would like to have him make a statement here, I feel that I do tell the truth and I want to tell the truth, there is no reason in not doing so and I would like to ask the gentleman if it is not a fact that the director of this program in Androscoggin County notified the town of Poland that they would have seven jobs and is it not a fact that the officials of the town of Poland picked the personnel?

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I am glad to support the statements of the gentleman from Lewiston, Mr. Jalbert and the fact that these people are working in Poland under the direct supervision of the town officials.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would like to say why I voted for the "Ought to Pass" Report. I think that one of the major criticisms of county government presently is that there is tremendous duplication in many cases in services given to the people and it is both costly and time consuming and I feel that the cities and the state have the machinery and the expertise to administer the placement of people and jobs as well as the competency to determine in which areas they should be employed. I feel all of this should be above political motivation, if and when, it does exist. I ask that you defeat the motion.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It always disturbs me when I have to get up in opposition to some of my very good friends, particularly with the gentleman from Windham, Mr. Peterson, who has, I



think, very effectively dragged a number of red herrings across the floor here today and tried to convince you that what you are voting on really is a referendum on whether or not you like your county commissioner and what they did in their budgets this year, and that is not the issue.

The issue isn't even, should the counties be the prime sponsors? We are not enacting that. What this bill does is try to foreclose any alternative to the state program. There is no mandate that the counties will have the program who will make the final decision as to whether a county is designated as a prime sponsor, the answer of course is the federal government will decide. It is not a vote of the county commissioners. The federal government will decide on the basis of whether or not there is capability of performing the mission. If there is no capability, they will not be designated as prime sponsors. We could have another bill in to prohibit the City of Portland from being a prime sponsor. Somebody could put a bill in to prohibit the State of Maine. Why is this bill in? It is because the association, not each county, the Association of County Commissioners have set up a viable alternative program and this bill is a legislative attempt to remove the alternative, to not let the federal government examine both and decide who they want to designate.

Representative Jalbert's motion is a good one and I hope you will vote for it.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the first time that I have been juxtaposed to my good friend from Augusta, Mr. Bustin. It is an exhilarating experience in that I think the gentleman is saying that I dragged red herrings across the issue, he himself, has created a red herring.

The issue is that there are a lot of unemployed people in this state and CETA monies are to help those people who are unemployed. I want to make sure that service is delivered efficiently and expeditiously. It seems to me that the state, through past performance and under this governor, will see that those services are delivered expeditiously to the municipalities, and the municipalities will have the final say as to whether or not who is hired for these positions.

I would like to take issue with the concept that this — I agree with the concept of this bill, it is the legislature mandating, making a policy decision that they do not want county government involved in these kinds of services. Mr. Bustin would ask you to let the federal government do that. He would ask you to sit here on your hands and let the federal government, the federal bureaucrats in Washington make the decision on whether or not county government is the prime sponsor.

It happens to be in other states in this country that county government is a very strong way of government. In California there are very few municipalities, it is pretty much regional county government. I am sure the federal government would be influenced by the success of county government in some parts of this nation. Therefore, might be inclined to allow county government to be prime sponsors. But, we here in Augusta, know state government, we know county government and we are deciding whether or not we want the state to deliver the services

during these times of recession and inflation. If we follow the gentleman from Skowhegan's logic, Mr. Dam, to its final conclusion, that county government has not only overspent, but the state government overspent, two wrongs don't make a right in any sense. The figures that we deal with on the state level may be a little larger, but we have some control here in Augusta. If you allow this control, the decision making to be made in Washington, that is what you will do if you indefinitely postpone this bill and I haven't seen one member in this legislature that wants to let go of any more of its authority that has let go in the past and that is just what will happen if you indefinitely postpone this bill, the decision making process flies out the window from Augusta, Maine and goes to Washington, D. C. I don't want that to happen.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I pose a question to the gentleman from Windham. How much authority does he think this legislature will have in this state program? Just exactly how much will this legislature have to say about what happens?

The SPEAKER: The gentleman from Augusta, Mr. Bustin, poses a question through the Chair to the gentleman from Windham, Mr. Peterson, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know, I can't say quantitatively how much input we are going to have but I am going to have the opportunity as are the other 150 people in this House to get up and criticize the Governor and criticize Manpower Affairs if the delivery of services is not successful. I will be able to do that. I won't have to fiddle around to find some bureaucrat's address in Washington or go through some Senator or Congressman's office to have input into a decision making process, I am a little closer to it up here and as long as I have this mike and I have got a special session ahead of me, I will use it and if the next legislature wants to give this power to Washington, they can but I am jealous of our prerogative and I would like us to vote against the indefinite postponement motion.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to one of the statements made by the representative from Augusta, Mr. Bustin, I would just like to say that it is my understanding that the federal government already has authorized the counties in Maine to be prime sponsors. However, they said that they would withdraw that authorization providing the legislature, by enacting this bill before us determined that they would rather not have the counties prime sponsors.

As I said before I don't think they are as capable of handling this as the State Manpower Planning Office is and I hope you will vote against the indefinite postponement.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let me answer the question that I posed to Mr. Peterson myself. How much influence will this legislature have over that program? Absolutely none.

The gentlewoman from Portland, Mrs. Najarian, has verified the very fact that I pointed out, that this bill is indeed designed to eliminate the alternative. Yes, the federal government has said that the program submitted by the Association of County Commissioners, the staff that they have lined up, the philosophy that they have promulgated is worthy of being designated as prime sponsor. Now, tell me that the federal government will play games with that amount of money and risk failure. They know that what has been designated is good. This bill seeks to wipe out that decision.

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 Lewiston, Mr. Jalbert, that the House indefinitely postpone Bill, "An Act Relating to County Administration of Certain Federal Programs," Senate Paper 416, L. D. 1312 and all accompanying papers in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carroll, Carter, Churchill, Cote, Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Dudley, Durgin, Farley, Fenlason, Finemore, Flanagan, Fraser, Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hunter, Hutchings, Ingegneri, Jacques, Jalbert, Kauffman, Kelleher, Kelley, LeBlanc, Leonard, Lewin, Lizotte, Lovell, Lunt, Lynch, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, Miskavage, Morton, Norris, Palmer, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Raymond, Rollins, Saunders, Shute, Silverman, Sprowl, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Usher, Walker, Wilfong.

NAY — Bachrach, Berube, Call, Carpenter, Chonko, Clark, Connors, Connolly, Cox, Curran, P.; Davies, Dyer, Farnham, Garsoe, Gauthier, Goodwin, H.; Hall, Hewes, Hinds, Hobbins, Hughes, Immonen, Jensen, Joyce, Kennedy, Laffin, LaPointe, Laverty, Lewis, MacEachern, Mackel, Martin, A.; McKernan, McMahon, Mitchell, Morin, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Peterson, T.; Quinn, Rideout, Rolde, Snow, Snowe, Spencer, Stubbs, Susi, Talbot, Tierney, Tyndale, Wagner, Winship.

ABSENT — Bennett, Bowie, Carey, Cooney, Drigotas, Faucher, Higgins, Jackson, Kany, Littlefield, Mills, Perkins, S.; Smith, Strout, Webber.

Yes, 79; No, 55; Absent, 15.

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

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I now move we reconsider our action whereby we

indefinitely postponed this bill and I hope you vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the House reconsider its action whereby this bill was indefinitely postponed.

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

Mr. PEAKES: Mr. Speaker and Members of the House: This program in our local area of Dexter has been set out as an example of the entire state, it functions very well. I just called my town manager on this particular thing before us here and he definitely favors the controls at the state, he thinks it will eliminate unnecessary political ploy down at the county level. I strongly urge that we do reconsider this matter and go the other way with the state control.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I would submit that Dexter right now is under Penobscot County and they are administering the program so if it is a model program, surely it would be rather foolish to shift to the state.

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

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: From some of the vote changes, I wonder if all the membership of the House realizes that a vote to indefinitely postpone the bill was in fact in favor of county sponsorship of CETA programs. So, I hope too that you will vote to reconsider.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House reconsider its action whereby this Bill was indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 74 in the negative, the motion did not prevail.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Veterans and Retirement reporting "Ought to Pass" on Bill "An Act Relating to Education Benefits for Dependents of Veterans and Prisoners of War and Those Missing in Action" (S. P. 118) (L. D. 383)

Report was signed by the following members:

Mr. O'LEARY of Oxford  
— of the Senate.

Mrs. LAVERTY of Millinocket

Mrs. KELLEY of Machias

Messrs. CURTIS of Rockland

POWELL of Wallagrass Pt.

THERIAULT of Rumford

USHER of Westbrook

NADEAU of Sanford

MacEACHERN of Lincoln

MORTON of Farmington

— 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. COLLINS of Knox

— of the Senate.

Mr. LEONARD of Woolwich

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as

amended by Senate Amendment "A" (S-213)

In the House: Reports were read.

Mr. Theriault of Rumford moved the House accept the Majority "Ought to Pass" Report.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I won't speak on this but just a second. In reading the bill I read it very carefully, I seriously question the fiscal note. There is a hidden cost there, and the cost is for all the people that will be eligible for this program, they will be provided with free tuition to the university or any state university. Therefore, I question the fiscal note because that amount that would be absorbed by the state has not been entered on the fiscal note, that is, basically, the reason I oppose the bill. The other thing is that no one could seem to tell the committee how many people would be eligible for this program, not only now but in the near future. Therefore it is kind of an unknown and I don't think this state is in any position to accept an unknown at this point.

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, 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.

77 having voted in the affirmative and ten having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Senate Amendment "A" (S-213) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Non-Concurrent Matter

Bill "An Act to Require Returnable Beverage Containers" (H. P. 1609) (L. D. 1888) which was passed to be engrossed in the House on May 21.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-208) and "B" (S-209) in non-concurrence.

In the House:

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Senate Amendment "B" clarifies the language of the bill and provides that a deposit must be paid on all beverage containers sold and Senate Amendment "A" removes the referendum from the bill. When the referendum was removed from the bill by an oversight there was no effective date put on the legislation so it is essential that we do put an effective date on the bill. In order to do that, I move that we recede.

The SPEAKER: The gentleman from Wayne, Mr. Ault, moves the House recede.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that this body voted quite overwhelmingly to pass this bill to referendum so the people can decide. I believe that whether we pass the bill or don't, the people are going to vote on this because petitions will be obtained whether the bill passes or not. I think that a great deal of hard work and effort could be saved by the citizens of the state if we voted to keep the referendum.

I would ask for a division on the present motion and hope that after we defeat, if we

do defeat that, we could vote to insist with the hope that eventually a bill could pass for referendum because if it doesn't and the bill passes, I think, the bottlers, the opponents of the bill are going to seek petitions throughout the state and the people will vote on it eventually and conversely if the bill does not pass I think that the support of the bill will get petitions and the people vote again. So, ultimately the people are going to vote so why don't we pass the referendum on it so the people can vote.

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

A vote of the House was taken.

67 having voted in the affirmative, 25 having voted in the negative, the motion did prevail.

Senate Amendment "A" (S-208) was read by the Clerk and adopted. Senate Amendment "B" (S-209) was read by the Clerk and adopted.

Mr. McKernan of Bangor presented House Amendment "B" and moved for its adoption.

House Amendment "B" (H-539) was read by the Clerk.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have the sponsor explain what this does.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, poses a question through the Chair to the gentleman from Bangor, Mr. McKernan, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, when the referendum clause was removed in the Senate, there was a provision in there that the bill would become effective January 1, 1977, and there was no other mention of an effective date of the bill, and, therefore, in order to give bottlers, distributors and other people time to gear up to this new system we feel there should be some lead-in time, so this amendment only puts the January 1, 1977 effective date back on the bill.

Thereupon House Amendment "B" was adopted.

Mr. Farley of Biddeford requested a roll call vote.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I have no intention of opposing this bill in any way. I rise merely for the sake of possibly a couple of the reporters in the House and those that might not be.

I was a little bit disturbed on the last day that this bill came into the House. I voted not to indefinitely postpone the bill, which, I think, means to keep the bill alive. Although two of the papers in the State of Maine elected to print stories to the effect that many of us had opposed the bill. The Biddeford Journal ran a story that went something like, this "Bottle Bill passes House First Time with Little Thanks to York County Legislators," those voting against and they listed several of our names when, in fact, we did vote for the bill. I certainly hope they can get their story straight this time.

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

The SPEAKER: The pending question before the House is passage to be engrossed as amended by Senate Amendment "A", Senate Amendment "B", and House Amendment "A" in non-concurrence; on Bill, "An Act to Require Returnable Beverage Containers," House Paper 1609, L. D. 1888. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

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

NAY — Berube, Birt, Call, Carter, Cote, Curran, R.; Curtis, Drigotas, Dudley, Durgin, Dyer, Farley, Fraser, Hinds, Hobbins, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Laffin, Laverty, LeBlanc, Lewis, Lizotte, Lovell, Lunt, MacEachern, Martin, R.; Maxwell, McBreaarty, Morin, Norris, Peterson, P.; Powell, Raymond, Rideout, Smith, Truman, Twitchell, Usher, Walker.

ABSENT — Bennett, Bowie, Carey, Cooney, Faucher, Gauthier, Higgins, Littlefield, Najarian, Peterson, T.; Strout. Yes, 96; No, 42; Absent, 11.

The SPEAKER: Ninety-six having voted in the affirmative, and forty-two in the negative, with eleven being absent, the motion does prevail.

Sent up for concurrence.

#### Non-Concurrent Matter

Bill "An Act to Provide for Review and Planning of Human Service Programs by Regional Planning Commission" (H. P. 1186) (L. D. 1477) on which the Majority "Ought Not to Pass" Report of the Committee on Human Resources was read and accepted on May 27.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-440) Report of the Committee on Human Resources and the Bill passed to be engrossed as amended.

In the House: On motion of Mr. Talbot of Portland, the House voted to adhere.

#### Non-Concurrent Matter

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

Government read and accepted in the House May 27.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-468) Report of the Committee on State Government read and accepted and the Bill passed to be engrossed as amended, in non-concurrence.

In the House:

Mr. Henderson of Bangor moved the House recede and concur.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to raise a question to anyone in the House that could answer it. Would someone in the State Government Committee possibly comment on the difference between this particular bill and another bill that we had in that dealt with rules and regulations and citizen participation?

The SPEAKER: The gentleman from Portland, Mr. LaPointe, poses a question through the Chair to anyone who cares to answer if they so desire.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Here again we have another excellent bill. It really is a well drafted bill, it is a good bill and the only reason that so many of us on the State Government Committee voted against it was because we definitely intend to have a complete study of the administrative law this summer. So, it is up to you what you want to do with it. I have no arguments against the bill whatsoever.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak briefly to it. If you remember this is the bill that nobody could explain the other day, no one from the State Government Committee and I accepted the will at that point. The other body — I will forget about that comment.

This would require that local municipalities be informed in advance of bureaucratic regulations that are being made so that they may have a chance to comment on them. The State Government Committee has dealt with the problem of hearings as far as regulations are concerned, so the committee has already dealt partly with this problem. If they are going to do a study, I don't understand why they didn't keep all of these bills in and report them all out "Ought Not to Pass". I think this particular one is more important especially for some of the smaller towns where they often times are subjected to regulations pursuant to laws that we pass and then they ask us, what did you do to us and they don't understand what has happened, as far as the regulations are concerned. I think this is an important thing, it is something that will really give the local municipalities an indication of what is going on, not only in terms of the laws that we pass but the regulations that are being put forth out of our administration. I hope today that we can recede and concur.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: There was one lone signer or we would have put all of

these bills out "Ought Not to Pass" and the lone signer is a member of the other body who never attends our committee hearings or working sessions and just decides on his own what he is going to do.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I know that lone signer very well and he has been around the halls of these two Houses for about 20 years and I suspect he knows more what is going on than two thirds of us in here.

I would urge that you support Mr. Henderson's bill, it seems to be a very reasonable bill. It is somewhat similar to the one that Mr. Palmer and Mrs. Berry and myself sponsored a few weeks ago, though not entirely the same. I would urge that you support the "Ought to Pass" Report.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to raise my question again in that I don't feel that it was adequately answered. What is the difference between this particular bill, as I understand it, this particular bill would require the informing of local officials of any rules and regulations that are being promulgated and there was a bill that was sponsored by Mrs. Berry that would do the same thing. Would someone please explain the differences in the bills?

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

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I will try to give you my impressions of the difference and that is that 1775 does not provide for informing municipal officials of the proposed regulations. I think it is clearly different, unless someone can show me otherwise. It does allow for the informing of legislators who have a particular interest in that legislation and for so-called emergency rule actions all legislators are also informed. But, if someone can show me that 1775 requires that municipal officials be informed of the regulations, then I would withdraw my objection but I think that is one of the elements that is left out and I think that is the key difference.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Henderson, 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.

77 having voted in the affirmative, and 19 having voted in the negative, the motion does prevail.

#### Non-Concurrent Matter

Bill "An Act Concerning the Power of the Lewiston Parking District to Mortgage Certain Properties and Permitting the Taxation of Real Property of the District Which is Not used for Parking" (S. P. 498) (L. D. 1845) which was passed to be engrossed as amended by House Amendment "A" (H-249) in the House on May 15.

Came from the Senate passed to be engrossed as amended by Senate



**Amendment "A" (S-188) in non-concurrence.**

In the House: On motion by Mr. Jacques of Lewiston the House voted to adhere.

#### Non-Concurrent Matter

Resolution, Proposing an Amendment to the Constitution to Provide for Direct Initiative for Proposed Amendments to the Constitution" (H. P. 1421) (L. D. 1806) which was passed to be engrossed as amended by Committee Amendment "A" (H-397) in the House on May 22.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-214) and Committee Amendment "A" (H-397) in non-concurrence.

In the House: On motion of Mr. Rolde of York, tabled pending further consideration and specially assigned for Monday, June 2.

#### Non-Concurrent Matter

Bill "An Act Relating to Proceedings Before the Public Utilities Commission" (H. P. 1259) (L. D. 1554) which was passed to be engrossed in the House on May 27.

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

In the House: Mr. LaPointe of Portland moved the House recede.

Mr. Berry of Buxton requested a division on the motion.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill is back before us again and I am truly reluctant to keep talking on the thing. It doesn't deserve the conversation that it has already had and it does little merit to the bill. This is the intervenor bill again. I am sure you have heard enough about it already. I happened to notice an editorial that was in this morning's paper which I circulated to your desks and there are two or three underlined portions. You don't have to read the whole editorial but you might get a good idea of what this bill is all about if you just read the three or four underlined sentences. What it boils down to is, if you want people walking in off the street presenting a case before the Public Utilities Commission and you want to pay those people, because you are going to pay them, it is going to come out of your electric bill, your telephone bill, your water bill, then that is fine. But I think you ought to ask yourself how valuable is this information that I am paying for. That is the whole question. If the PUC wants valuable information, the PUC has got staff to go out and get that information, they don't need volunteers coming in off the street that you and I have to pay for.

I would hope that you would defeat the pending motion so that we could eventually defeat the bill.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: The reason I made the motion to recede was because I would like to offer an amendment under H-540. I would hope that you would go along with recede so I could offer this particular amendment.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to take a minute of your time. You

notice this morning in most of the papers there is a piece about the New England Telephone. I am not a stockholder in New England Telephone by any means, but today we don't want to kill the goose that lays the golden egg. Today the majority of your older people has got their money invested in utilities, it has been a great investment over the period of time for the elderly people, all utilities that we have got in the State of Maine and all over the United States. It seems a crime at this time to do something to them when they are trying to stay on top, when they are trying to pay dividends, keep the dividends up without cutting them. If the dividends go down, the price of stock goes down and people get panicky and put it on the market. You have seen it happen these last two or three months in American Electric and several others and Consolidated Edison, Philadelphia Electric, Ohio Edison and all those, you have seen it happen to them, for the simple reason that they aren't making the money they used to make. They used to figure they could operate on seven per cent, they can't do that anymore. Most of them are down to six percent, but they need 13 to operate and stay in business. Why, this morning, should we do something to hurt it further?

Let's go along this morning and defeat this motion to recede and go along with recede and concur with the other body.

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

A vote of the House was taken.

29 having voted in the affirmative, and 66 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act to Provide for the Appointment or Election of a Fire Chief in Each Municipality" (H. P. 1206) (L. D. 1499) which was passed to be engrossed as amended by Committee Amendment "A" (H-390) in the House on May 23.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-390) as amended by Senate Amendment "A" (S-207) thereto in non-concurrence.

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

#### Orders

Mr. Drigotas of Auburn, presented the following Joint Order and moved its passage: (H. P. 1645) (Cosponsors: Mr. Hughes of Auburn, Mrs. Lewis of Auburn, Mrs. Snowe of Auburn)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Coach Richard Osgood and the Edward Little baseball team winners for 1974 and 1975 of the Androscoggin Valley Baseball Championship

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. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Maintain the Present Level of Social Services" (Emergency) (H. P. 850) (L. D. 1037) reporting "Ought Not to Pass"

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide the State Share of Seed Dollars for Comprehensive Child Care Programs in the State of Maine" (Emergency) (H. P. 830) (L. D. 1013) reporting "Ought Not to Pass"

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for the Distribution of the Proceeds of the Tamano Litigation Settlement" (H. P. 1146) (L. D. 1440) reporting "Ought Not to Pass"

Mr. Powell from the Committee on Education on Bill "An Act to Allow the Deferral of Monthly Payments of the Uniform School Tax" (H. P. 1616) (L. D. 1896) reporting "Ought Not to Pass"

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

#### Leave to Withdraw

Mr. Doak from the Committee on Natural Resources on Bill "An Act to Provide that Failure of a Municipal Reviewing Authority to Take Action within 30 Days of Receipt of an Application to Subdivide Shall Constitute Approval" (H. P. 1313) (L. D. 1594) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft New Draft Printed

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act relating to the Licensing of Hearing Aid Dealers and Fitters" (H. P. 844) (L. D. 1038) reporting "Ought to Pass" in New Draft (H. P. 1643) (L. D. 1907)

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

#### Ought to Pass with Committee Amendment

Mr. Maxwell from the Committee on Taxation on Bill "An Act Concerning the Applicability of the Sales and Use Tax to Inventory" (H. P. 904) (L. D. 1090) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-530)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-530) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Public Utilities, reporting "Ought to Pass" on Bill "An Act to Require Ferries Operating in Casco Bay to be Equipped with Radar Devices" (H. P. 1151) (L. D. 1445)

Report was signed by the following members:

Mrs. TARR of Bridgton  
Messrs. NADEAU of Sanford  
LEONARD of Woolwich  
LITTLEFIELD of Hermon  
SPENCER of Standish  
LUNT of Presque Isle  
KELLEHER of Bangor

of the House.



reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot  
Messrs. GREELEY of Waldo  
CYR of Aroostook — of the Senate.  
Mrs. SAUNDERS of Bethel  
Mr. GRAY of Rockland — of the House.

Reports were read.

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

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Require the Filing of Estimated Income Tax Returns by Corporations" (H. P. 1569) (L. D. 1874)

Report was signed by the following members:

Messrs. JACKSON of Cumberland  
MERRILL of Cumberland — of the Senate.  
Messrs. MAXWELL of Jay  
DRIGOTAS of Auburn  
MULKERN of Portland  
TWITCHELL of Norway  
FINEMORE of Bridgewater  
MORTON of Farmington  
DAM of Skowhegan  
COX of Brewer — 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. WYMAN of Washington — of the Senate.  
Messrs. SUSI of Pittsfield  
IMMONEN of West Paris — of the House.

Reports were read.

Mr. Drigotas of Auburn moved the House accept the Majority "Ought to pass" Report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought not to pass" Report on this bill. I think all of you are acquainted with what the bill is. It is a proposal to — it doesn't generate any money but it gets us over the hump anyway to get us out of here. I think there is \$9 million on a one-shot basis involved. I think most of you are acquainted with it.

I would briefly like to state my objections to this legislation. I think whether in government or in our personal affairs, if there is an abnormal or unusual or an emergency situation, then we are warranted to use abnormal or unusual or emergency solutions to that situation. I don't feel that we are in such a situation in Maine now.

We have available to us normal, conventional financing to meet our state's needs, and we have the means and the time necessary to implement this sort of financing to meet these needs. Such devices we are now contemplating is, in my opinion, warranted if the State of Maine were in the same financial plight as New York City unfortunately is in right now. That isn't the case here. We are not in that sort of a bind. This that we are considering to me is plainly gimmickry or flim-flam, it leads to deception of the public and what really bothers me is that it is completely unnecessary. We have the means to meet our financial needs without such gimmickry.

I wish we could go about this differently. I feel very uneasy about it. I appreciate your allowing me the time to explain my objections.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of Taxation, and Mr. Susi has presented a very good case, but we do need this money at this time. I am of just the opposite opinion. We need this or a new tax, and why should corporations, which I am a member of one, why should we have the privilege of not paying quarterly. The independent has to pay quarterly. On my own private income tax I have to pay quarterly. Why shouldn't the corporations?

This is a chance to bring about \$9 million-plus in that wouldn't be paid until next April 15, 1976, but now we can start in, after this becomes a law, and collect it quarterly. So why should these go on?

I know what everyone is insinuating. This is a move by the Governor to finance the budget without a deficit, probably is allowing him something that we shouldn't allow him, but at the same time, do we want a major tax now?

In our committee we are holding sin taxes, so-called — cigarette tax, tobacco tax, liquor tax, we are holding all of them in there in case we need them. But of course I am always in favor of sin taxes, because I haven't any sins myself, but at the same time, I don't want to see them go on at this time.

There are a lot of good arguments against this and for it. I just spoke about New England a few minutes ago, Mr. Drigotas and I, he spoke to them and I had spoken to them too — New England, they are perfectly willing. It will cost them some \$80,000 interest that they would be losing by borrowing money to cover it up, but they are willing to drop back and pay on a quarterly basis. AIM, Associated Industries of Maine is willing to drop back. They say all their industries are perfectly willing to pay quarterly. The Maine State Chamber of Commerce, that had a man up here before us, and another gentleman, I can't remember what group he belonged to, but we had four who really control the business interests of the State of Maine, and they all are in favor of paying quarterly. So why not at this time put it on a quarterly basis and hold it there? We are just financing something a year prior to the time it would be financed. We are saving a major tax. So let's at this time go along and pass this bill and let the corporations pay on a quarterly basis rather than on the yearly basis.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I too am a member of the Taxation Committee and signed the bill "Ought to pass." I listened very closely at the hearing on this bill. There were no proponents of the legislation, there were no opponents of the legislation. The people who appeared at the hearing were representatives from corporations, merchants associations, they said they took no stand on this bill one way or another and if we felt it was needed, we could enact it. They felt that the only thing was that we should make it clear that it is a one-shot deal.

I certainly, as a member of this committee, don't want to flim-flam the public. I don't want them to think this is some kind of a permanent solution to their problems, and just for the record, it is not,

it is a one-shot deal. It will raise about \$9 million. I went along with it just precisely to get us over the hump, and I would like to see the legislature go along with the "ought to pass" report on this bill today.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I favor this legislation and I keep hearing it won't produce additional income. Well, I guess I would have to ask members of the Taxation Committee, why not? Why can't this be used in short-term investments and produce this new revenue?

The SPEAKER: The gentleman from Portland, Mrs. Boudreau, poses a question through the Chair to anyone who may care to answer.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I signed this "ought to pass." I feel as though it is a one-shot proposition. I think it should be recognized that it is not new money, it is an acceleration of the receipt of money. You would get this same money in the following year. By adopting this bill, this will mean that the corporations will pay for their 1975 taxes in April, and then they will pay their 1976 taxes during that year on a quarterly basis.

It is nothing more or less than an acceleration of cash flow to the state. It does not create new money. I have some reservations about it, but it seems to me the thing to do at this time.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very good piece of legislation. I have to pay an anticipation tax to the State of Maine and to the government, and I am only one individual that runs a business. Corporations should do the very same. I think it is a good piece of legislation.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Drigotas, 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.  
88 having voted in the affirmative and 5 having voted in the negative, the motion did prevail.

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

**Divided Report**

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act Relating to School Dropouts and to Potential School Dropouts" (H. P. 1442) (L. D. 1702)

Report was signed by the following members:

Messrs. THOMAS of Kennebec  
BERRY of Androscoggin — of the Senate.  
Mrs. MITCHELL of Vassalboro  
Messrs. INEGNERI of Bangor  
POWELL of Wallagrass Pt.  
CONNOLLY of Portland  
BAGLEY of Winthrop  
TYNDALE of Kennebunkport  
CARROLL of Limerick — 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. KATZ of Kennebec  
— of the Senate.  
Messrs. LYNCH of Livermore Falls  
FENLASON of Danforth  
Mrs. LEWIS of Auburn  
— of the House.

Reports were read.

On motion of Mr. Connolly of Portland, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" Bill "An Act to Exempt Lobster Fishing Boat Operators from Withholding State Income Taxes from Sternmen's Share of Proceeds" (H. P. 1246) (L. D. 1547)

Report was signed by the following members:

Mr. JACKSON of Cumberland  
— of the Senate.  
Messrs. MAXWELL of Jay  
TWITCHELL of Norway  
SUSI of Pittsfield  
FINEMORE of Bridgewater  
MORTON of Farmington  
IMMONEN of West Paris  
COX of Brewer  
DAM of Skowhegan  
DRIGOTAS of Auburn  
— of the House.

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

Report was signed by the following members:

Messrs. MERRILL of Cumberland  
WYMAN of Washington  
— of the Senate.  
Mr. MULKERN of Portland  
— of the House.

Reports were read.

On motion of Mr. Drigotas of Auburn, the Majority "Ought not to pass" Report was accepted.

Mr. Jackson of Yarmouth moved that the House reconsider its action whereby the Majority Report was accepted.

The SPEAKER: The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 32, having voted in the negative, the motion did prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Drigotas, that the House accept the Majority "Ought not to pass" Report.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to you for having a reconsideration on this. I thought there was going to be more said on it.

This bill is very emotional question on the coast, and it has been traditional on the Maine coast that the owner of the lobster boat and the lobstermen hired sternmen to work with them, but they were private contractors. They took part of the catch as their return and they were treated as private individuals doing this, and the state tax law treats them as employees of the lobstermen and this bill would follow out that feeling that they would be private employees and would be taxed as private employees of the lobstermen.

I hope very much you will defeat the

Majority Report here and will accept the Minority Report.

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

Mrs. BYERS: Mr. Speaker and Members of the House: I represent an area which is full of fishermen and the fishing industry, and as you have seen from other bills that have been presented, the fishermen don't agree on very many things. But this they do agree on, that sternmen are independent and should be treated as such by the tax laws. I hope that you will support the Minority Report.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for being on my feet this morning so much, but these are Taxation bills.

First off, I would like to inform the sponsor of this bill that I think they are hurting the fishermen-sternmen, if that is what they call them, rather than helping them, because if they stay under this present law — first I should explain, the federal government has called them employees. That is what the federal government has ruled them, and they pay an income tax as such.

All right, our state income tax is based upon the federal income tax. Therefore, they would be under ours in the same situation. If we change this, we must make about 250 or 300 separate income tax papers. There will be a whole new complete income tax form, and they will replace the one for this certain group and they in turn will pay in estimates on their income each year. They will pay their own social security and things like that. In other words, they will be an individual in the State of Maine, but they will be an employee in the eyes of the federal government, the IRS, I should say.

I would like to add to this the fact that I say they are hurting themselves for the simple reason they are making for themselves more bookkeeping, more work, and if they stayed the way they are, the man who operates that boat would have workmen's compensation on him, which they won't have on themselves. They will also be eligible under the law for unemployment insurance, they can draw unemployment, and the employer will be paying half of his social security, which will lower the cost of the social security, it will lower the cost of their insurance and it will make them eligible for unemployment, which they pay no part of, which the employer pays all of.

I hope this morning we help the fishermen. I never vote against a bill that the fishermen have in here, because I go along with the people on the coast, but this time I believe we are doing the right thing for them. I think if they were to sit down and consider the benefits they are getting under the law now, they won't want to change.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I rise to differ with the gentleman from Bridgewater, Mr. Finemore, because I represent a great number of lobster fishermen, and I question how many he represents.

My second point would be that this causes a great deal of job losses because the small lobster boat fisherman is not

capable of bookkeeping this and going along with this means more forms, but I feel that the Taxation Department is more capable of doing the bookkeeping and passing out the forms than the small boat owner. The small boat owner, when you saddle him with the bookkeeping and the extra work that these people have to do in order to hire a man on shares, it is an unfair harassment, I believe, and I believe these people should be given relief so some of these people who are now unemployed could take jobs.

These boat people are perfectly willing to hire some of these people on shares and give them shares of the take and catch, but they cannot do this under this harassment which is now taking place by the Taxation Department and the federal government.

If we say this, we are saying the federal government is correct, and I think this is one reason we are here, is to correct some of these inequities.

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

Mr. WILFONG: Mr. Speaker, I would like to pose a question to anybody who cares to answer. I come from the mountains. What is the sternman, how is he hired, can anybody explain this whole process and procedure to me?

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

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take a few minutes, if I can, to explain in answer to Representative Wilfong's questions, because I am sure that this is a very confusing situation to many of you. I do so because I think this is a very important bill and I really would like to try and help you understand what it means to the fishermen.

It has been traditional for many years for a sternman or a helper, a sternman is an assistant in the lobster boats, the sternman in many areas are able to go and help the primary operator of the lobster boat and as a pay, or his way of pay, he would take a share of the catch and that might be ten per cent or five percent of the catch and he would take his own catch from that and sell it under his own name, and he would estimate and pay his own taxes and be considered an independent contractor for purposes of taxes and that is a relationship that has been recognized and it has been traditional over years and years and has been recognized by the Internal Revenue Service up until about the past two years.

You may have been reading in the paper lately about this, and I think approximately about 90 percent of the fishermen along the coast have been audited by the Internal Revenue Services and all of a sudden, they decide not to recognize this relationship any more and they are saying that these sternmen are now an employee, no matter what the relationship or whether he takes his share or whether he is actually paid.

Now, there are situations where the sternman gets paid a flat rate. Under those situations, there is no question but what he is an employee and this bill would not affect him in any way, but what we are asking is that the State of Maine, anyway, recognize this relationship. What happens now, when a fisherman has been audited by the Internal Revenue Service, and I could stand here for hours and tell you

stories, many of which I know are true because they come from personal friends — I just would like you to try and understand how demoralized the fishermen are by this whole IRS audit which has taken place over the last year and a half. They are assumed to be guilty. Auditors will take different evidence from different fishermen, and the fishermen at this point just don't understand where they stand. What we are asking for is that the State of Maine take the step of continuing to recognize the relationship which has existed over the years between the sternman and the primary operator of the boat.

The Taxation Department is not particularly happy about this because it means that they are going to have to make a slight change in the way they audit their income tax. What happens now is that when the federal government gets through with the lobstermen, in about two months he very nicely gets another little letter from the State Taxation people, which automatically assumes that everything the federal government said is correct and, therefore, usually assesses him for extra taxes or more taxes.

We are asking for Maine to recognize and continue to recognize this special relationship and I think there are two reasons for us asking for this to be given. The first is that it would mean to the fishermen of Maine a great morale boosting thing at this point because it would mean that at least, although they may be battling for recognition with the federal government, at least their own state is giving them some backup in their position.

The second reason is that presently the Maine Lobstermen's Association is now trying, at the federal level, to make some changes, either through regulation changes or through legislation to recognize this relationship. The feeling is that if the State of Maine has recognized this relationship, you will have a much better case as far as the Internal Revenue Service is concerned.

The question about the fishermen who don't want to change, this will have no bearing at all on the social security. The federal government still recognizes the relationship as an employee wanted it, so therefore they would still have to pay their social security. All the fishermen wouldn't have to pay is they wouldn't have to pay their Maine State withholding tax.

As far as the comment that the fishermen don't want the change, I would ask you to look at the Committee Report from those people who represent coastal areas have gone "Ought to Pass" and those who represent inland areas have gone "Ought Not to Pass." I would also add that the President of the Maine Lobstermen's Association testified very strongly in favor of this bill.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say that I was the only member of the House who signed the "Ought to Pass" Report on this bill and I realized the problem. I listened very closely to the testimony that was given at the hearing. I have in my hand here a letter from Robert J. Beattie, Director of the Income Tax Division, in which he says that this bill administratively has a lot of problems to it, but I think sometimes we have to try to think a little bit beyond this thing. I mean,

it seems to me that the people in the Tax Division, the bureaucrats, they're always looking out for some way to save themselves a little bit of work.

It is true that our tax laws conform to the federal government, but I would submit that I don't think the federal government has any conception of this special situation in which the sternman is employed in the State of Maine. I think this is the whole problem. This bureaucracy down in Washington, they don't treat people as individuals, they treat them in mass numbers just for the sake of saving time. I think that this today is a prime example of this.

The State of Maine is a state that is noted for having supported the lobster industry in the past and I would imagine they would continue to do so, and the lobstermen around the state have said they support this bill, they know fully what the intent of the bill is. I would like to see you go along with this today. It is true that it is going to put the State of Maine Tax Division in a situation where they have a little bit of extra work, they have to have another form, perhaps they are going to have to feed a little more data in the computer and put up with a little bit of extra inconvenience, but I think this is the least we can do for our lobstermen.

The lobster industry has provided a lot for the State of Maine and I would like to see us stick by our industry and maybe we can turn a few of the bureaucrats around in Washington if we just go on record as saying that we are behind this bill. I would hope that you would go along with the "Ought to Pass" Report today and keep it alive.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not go along with the bill. This, to my thinking, is legislation in favor of a small segment of the population of the State of Maine. I am not worried about the Bureau of Taxation. I think we ought to be concerned about the single proprietor, the small businessman in this state, who we have saddled with forms and the federal government has saddled with forms, why should we worry about one area of our state? If we are concerned about protecting the small individuals, let's do it for all.

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

Mr. INGEGNERI: Mr. Speaker, Ladies defend the IRS, because I think that the record of the IRS speaks for itself, no matter how we may have felt his onerous hands on our shoulder.

I think that this is a bad bill because rather than making life simple for the so-called sternmen, it complicates it to quite an extent. Just imagine, according to the State of Maine, he would be an independent contractor and the owner of the boat would not withhold. According to the federal government, and until such time they get a favorable ruling otherwise, the owner of the boat is required to withhold. Comes the time of filing for this poor, simple sternmen, he has to figure out what was withheld and then, as far as the State of Maine is concerned, he must have for four quarters filed an estimated tax return. I would submit to you that this complicates the matter much more, and until such time as this particular question is solved by the federal government — and

there is no reason that the federal government is going to take a position in opposition to the contention of the lobstermen — but until such time as that is decided, I think that the State of Maine returns should be in conformity with the federal government return because this would make it simple for everybody concerned.

I would vote against the "Ought to Pass" Report.

The SPEAKER: The chair recognizes the gentleman from Pittsfield Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I am very thankful to follow the preceding speaker Mr. Ingegneri, because the impression has been created that the committee was negative towards this bill, and I assure you that is the furthest thing from the truth. We had the greatest sympathy for these people and we wanted very, very much to be able to work out something with them and the committee spent long hours, literally, with the department trying to work out some solution to this and no matter how we talked about it, it comes out just as Mr. Ingegneri has presented to you. No matter what we do here, IRS said that they are employees and they are treating them as employees and they have to make out their federal returns as employees, and if we were to say no, they are self-employed, then it would require another form, but beyond that, all of our auditing under our State Income Tax is done by the Feds. They chase down all of the violations, do all of this work so that we are assured in our State income Tax forms that we are starting out with an accurate figure, because we have had the audit of them.

If we separate people out from the federal system, as is proposed under this bill, then our department, and I think they are taking a completely responsible position, say that they will need auditors to audit the portion of the form that isn't required by the Feds. There would be no audit of this portion and I agree with them, that if we are going to set people separate from the federal law, then our department over there should make certain that those reports are accurate, not that I am doubting any particular person, but it is just good administration.

I am very much of the opinion that this is an impossible thing, that it will be doing a disservice to these people, and I hope you will vote against the bill.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think you have sat here and heard the people of the coastal area tell us what they want. I don't think it is for us to tell these fishermen what they want and what is good for them. These fishermen are intelligent people and they know what they want. They want to be eliminated, they want to be contractors, and I think we should recognize them as such.

This might smarten up the people in the federal bureaucracy and realize that maybe if the Maine Legislature sees it this way, it might help them get it corrected from that angle, but least of all, as a legislator from an inland area and representing a lot of little towns, I have asked you on many occasions to support me in what my people want, this morning I am asking you the same thing. These people that represent these coastal towns are unanimous in their decision. The fishermen are quite unanimous in what



they want, and I hope this legislature will not try to tell them what they want. They know what they want and I hope you will support these people from these coastal towns and I hope that when my turn comes that you will support my people. I think that is why we are here. We are not here to represent the Taxation Department and tell them what we think is good for them. They know what is good for them, they know what they want, they are here asking for it. It is right from a man from these coastal towns that they want this corrected and I hope we go along and support these people.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: It is stated here that this is a problem for all Maine businesses and why should we pick out the lobstermen in particular, and I would answer to that, why shouldn't we? We should make a start somewhere and I think this is a very good place to start and try to provide for.

Also, as far as the federal auditing and the IRS doing the auditing, the IRS is nationwide, they are thinking of the whole country. I think the State of Maine should be able to consider itself and its own special problems and the people who work in the state and the particular industries of the state, and why should we be tied totally to the impersonal federal considering the whole thing and the Maine lobstermen as such a small problem that they hardly consider it.

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

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe that this is the only type of business that is asking for this kind of relationship. It seems to me that in Business Legislation we had several laws that Maine could boost the licenses where someone runs a business inside another business on perhaps a share of the take, and I don't think it is an unusual practice and I think it certainly would be a good one for the fishermen.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I do not want to do one thing to hurt anyone and I find now that what they fear most, by talking to two representatives from the coastal districts, they are afraid of losing their jobs and are losing their jobs. If this is true, I would be very pleased to reverse my vote and vote in favor of this bill.

I will add one more thing here. At the present time, the State of Maine is not policing the income tax in the State of Maine; they are using federal 100 percent. I am a little worried about some of these things we do; maybe we could injure them because they will be policed if they go on their own, and I don't think that is hardly fair. I don't think it was fair for the government to come in to begin with and I often wonder why can't these groups form partnerships?

This morning I will leave the statements of what I said, but I will go along and vote for this bill and hope it does them the good that they think it will do, which I doubt very much in my own mind.

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

Mr. SPROWL: Mr. Speaker, Ladies and

Gentlemen of the House: I don't want to prolong this but I am from a coastal community also and I would like to concur with the gentleman from Owls Head who did a wonderful job in presenting the case for the fishermen. I hope that you will go along with this "Ought to pass" Report.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, support the minority "Ought to Pass" position. I think, again, it is a case of getting things in perspective. I believe the committee should be complimented for a conscientious approach. A lot of work went into their examination of the proper, in their opinion, ways to do this. I think in the case of this peculiar industry, or this peculiar occupation, that the legislature of this state could most certainly be generous and could most certainly stretch itself.

We are talking about a very small segment of the people. These people typically earn \$10 a day and all the crabs they can eat, and if you have been out and pulled 400 traps in 40 degree water, I assure you that your hands are too cold when you come in at night to sit down and keep books on withholding and the number of crabs he ate during the day and that share of the \$10. I would suggest in human interest and simple justification for a small segment of our people that we accept the Minority "Ought to Pass".

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: Just a few brief remarks. This bill has more to it then on the surface. A great many of my lobster fishermen do hire people who are otherwise employed in my community to work as sternmen who aren't as familiar or cannot afford a boat or gear to go lobster fishing.

The other remarks that I wanted to make have been fully covered by previous speakers and I sincerely hope that you will go along with the Minority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that nobody construed any remarks made today as critical of the Taxation Committee, because they were very receptive to our ideas and I thought gave us a very courteous audience on everything we had to offer and their response was, I am sure, in what they consider to be our best interest. I would only suggest to you that the State of Maine always followed along with the federal and I would say this would be one occasion when the State of Maine could be number one and lead its way for the fishermen and give the fishermen in the State of Maine some hope over the horizon that the State of Maine is working for them and will support them 100 percent in their efforts to become good fishermen for the State of Maine.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: First, let me assure you, there are no lobsters in the Androscoggin River.

Secondly, I have been here for many, many years and we have always protected the lobsters to the hilt, now let's protect the lobstermen. I am in favor of this bill,

especially with two beautiful Representatives from the coast that spoke on the bill.

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

A vote of the House was taken.

19 having voted in the affirmative and 95 in the negative, the motion did not prevail.

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

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

Mr. BERRY: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action of earlier today, whereby the House voted to recede and concur on Bill "An Act Relating to Proceeding Before the Public Utilities Commission," House Paper 1259, L. D. 1554 and ask you to vote against me.

The SPEAKER: The gentleman from Buxton, Mr. Berry, having voted on the prevailing side, now moves that we reconsider our action whereby we voted to recede and concur. All in favor will say yes; those opposed will say no.

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

#### Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Permit Public Use of State Docking Facilities in Casco Bay" (H. P. 1051) (L. D. 1433)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot  
Messrs. GREELEY of Waldo  
CYR of Aroostook

-of the Senate.

Mrs. SAUNDERS of Bethel  
TARR of Bridgton  
Messrs. LEONARD of Woolwich  
LITTLEFIELD of Hermon  
GRAY of Rockland  
NADEAU of Sanford  
SPENCER of Standish

-of the House.

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

Report was signed by the following members:

Messrs. LUNT of Presque Isle  
KELLEHER of Bangor

-of the House.

In the House: Report was read.

Mr. Nadeau of Sanford moved that the House accept the Majority "Ought Not to Pass" Report.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and I realize by the looks of the report, we are starting from a very, very weak position, but I would like you to give me just a few brief moments and I will explain to you the bill. All the bill does, it allows the public and commercial vehicles to use state-owned property and facilities in Casco Bay in Cumberland County, which specifically is the state pier. At the present time, there are no other facilities along that coast that can be utilized by those residents of the many islands there that



are under the jurisdiction of the City of Portland.

It is a problem. It has been a problem. The committee hearing was held in Portland about one block from City Hall. There were no objections, there was no one to oppose the bill from the city. There were two people who opposed the bill from the longshoremen. They didn't oppose the bill but they found some problems with it. I grant you, there are some problems with the bill. I would like to get it through its first reading, present an amendment to the bill in the second reading that will clear that up for you.

As of present, the residents of the Casco Bay Islands have only the use of Casco Bay lines, which in my estimation and in the estimation of others, is a very sloppy, inadequate, overcharging way. They have a monopoly there. There is no other facility that can be used by those residents of that island. And all we are saying in this bill is, that the state pier, which is situated in the city of Portland, and I would point out that only two of the members on this particular committee that reported this bill out live in Cumberland County, but this bill only says that the state pier, which is in Portland, can be used by those people on Casco Bay who have a vessel to be tied up.

There are some flaws in the bill, as I said before, and we would like to clear them up. This does not mean that a commercial carrying vessel can tie up to the pier for any great length of time. There is a time problem here, this is one of the problems with the bill. At the present time, the Department of Transportation, the Bureau of Waterways, has not done their job, because the City of Portland and that Port only received, the State pier, only received approximately one ship a month. Otherwise than that, that dock just sits there. We want to utilize that dock. If in fact these particular agencies were doing their job in the way that they are supposed to be doing it, we would be getting two, three, four ships a month in that port, but we are not. In other words, the dock sits there, it is state-owned property and it is not being utilized. Therefore, I would ask that we have a division.

The SPEAKER: The Chair will order a vote. If you are in favor of accepting the Majority "Ought not to pass" Report you will vote yes; those opposed will vote no.

A vote of the House was taken.

25 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

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

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-529) on Bill "An Act to Allow Municipal Approval of Routine Great Ponds Permits" (H. P. 662) (L. D. 836)

Report was signed by the following members:

Mr. O'LEARY of Oxford  
— of the Senate.  
Mrs. HUTCHINGS of Lincolnville  
DOAK of Rangeley  
CHURCHILL of Orland  
McBREAIRTY of Perham  
CURRAN of Bangor  
HALL of Sangerville  
WILFONG of Stow  
— 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. TROTZKY of Penobscot  
WYMAN of Washington  
— of the Senate.  
Messrs. AULT of Wayne  
BLODGETT of Waldoboro  
PETERSON of Windham  
— of the House.

Reports were read.

(On motion of Mr. Rolde of York, tabled pending acceptance of either Report and specially assigned for Monday, June 2.)

#### 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 Increase Protection under the Uninsured Motorist Law" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-193) (S. P. 319) (L. D. 1096)

Bill "An Act Amending Laws Relating to Hospitalization of the Mentally III" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-195) (S. P. 368) (L. D. 1204)

Bill "An Act to Authorize the Governor's Committee on Children and Youth to Accept and Administer Certain Available Funds" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-189) (S. P. 138) (L. D. 442)

Bill "An Act Relating to the Transfer of Prisoners when a Jail is Unfit or Insecure" — Committee on Health and Institutional Services reporting "Ought to Pass" (H. P. 961) (L. D. 1215)

Bill "An Act Relating to Agricultural Fairs" (Emergency) — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-531) (H. P. 1106) (L. D. 1395)

Bill "An Act to Establish the Maine Vocational Development Commission" (Emergency) — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-533) (H. P. 1458) (L. D. 1785)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 30 under listing of the Second 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" (C. "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" (C. "A" H-493) (H. P. 1596) (L. D. 1886)

Bill "An Act Relating to Teacher Certification" (C. "A" H-500) (H. P. 1069) (L. D. 1349)

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

Bill "An Act Relating to the Regional Technical Vocational Centers and the Vocational Education Regions" (C. "A" H-501) (H. P. 1278) (L. D. 1811)

On the request of Mrs. Boudreau of

Portland, was removed from the Consent Calendar.

(On motion of the same gentlewoman, tabled pending acceptance of the Committee Report and specially assigned for Monday, June 2.)

Bill "An Act to Authorize the Leasing of Space in the Cumberland County Building by the Supreme Court" (H. P. 1283) (L. D. 1579)

Bill "An Act to Create the Commission on Education Finance" (C. "A" H-507) (H. P. 1622) (L. D. 1897)

Bill "An Act to Provide Compensation to Employees on Wages for Jury Service" (C. "A" H-525) (H. P. 1426) (L. D. 1695)

Bill "An Act to Establish a Statute of Limitations with Regard to the Negligence of Design Professionals" (C. "A" H-526) (H. P. 889) (L. D. 1064)

Bill "An Act Concerning the Filling of the Office of Register of Deeds" (C. "A" H-527) (H. P. 856) (L. D. 1070)

(H. P. 1228) (L. D. 1754) Bill "An Act to Establish the Citizen Woodcutting Act" (Emergency) (C. "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" (C. "A" H-512)

(H. P. 1405) (L. D. 1783) Bill "An Act to Reinstate the Insurance Premium Finance Company Act" (C. "A" H-513)

(H. P. 771) (L. D. 942) Bill "An Act Concerning the Appellate Division of the Supreme Judicial Court"

(H. P. 622) (L. D. 769) Bill "An Act Relating to Compensation in Eminent Domain Proceedings" (C. "A" H-514)

(H. P. 1036) (L. D. 1522) Resolve, Authorizing Charles E. and Nancy Twitchell, or Their Legal Representative to Bring Civil Action Against the State of Maine" (C. "A" H-520)

(H. P. 1158) (L. D. 1812) Bill "An Act to Implement the Recommendations of the Maine Traffic Court Advisory Committee" (C. "A" H-522)

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

(H. P. 1301) (L. D. 1602) Bill "An Act to Require the Carrying of a Concealed Weapons License when a Concealed Weapon is Carried" (C. "A" H-524)

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

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Monday, June 2.)

#### Passed to Be Engrossed

Bill "An Act to Repeal Milk Control Prices at the Retail Level" (H. P. 208) (L. D. 267)

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

Mr. Mahany of Easton moved that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: Yesterday afternoon we had a rather lengthy discussion on the merits of this particular bill, we covered a lot of the issues. I think that this House rather decisively said by a vote of 70 to 54, as I recall, that we would like to see this bill passed as it was originally submitted to the legislature.

I would trust that the gentleman from Easton, Mr. Mahany, would provide us with some new information that would help us change our minds as it relates to this particular bill so that we would support his particular motion. I happen to believe that there is no new additional information. I would encourage every member of the House to vote against the motion to indefinitely postpone the bill and I would ask for a division.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the good gentleman from Portland, Mr. LaPointe, I have a few remarks. They may not be new evidence, but it is my sincere conviction that repeal of retail milk pricing will have a serious adverse economic impact on large numbers of Maine Dairy farmers. If retail price controls are removed, there will be a price war on milk and certainly all consumers like such action on any product. However, the large multi-state milk dealers will stay in competition and by the nature of their large efficient operation will establish a price that most small dairy processors cannot meet.

These dairies will be forced out of business, many through bankruptcy. When their doors are closed, the dairy farmers and these farmers will be unable to find another profitable one. Thus, they will be forced out of business.

As dairy processors and dairy farmers cease operation, there has to be severe economic losses to their respective communities, such as loss of employment, taxes and purchasing power, and these are certainly depressing to our economy.

Dairy farmers who supply the large dealers that are engaged in this competitive struggle will also be adversely affected. To maintain and strengthen their economic position, these multi-state dairies will purchase milk at distressed prices in unregulated markets. This practice will lower the blend price of milk and many dairy farmers will suffer such a loss of income that it will force them out of business. Thus, another economic loss to the operator, community and state.

Why this important consideration of the farmer? Where the commodities produced are apples, eggs, milk or potatoes, in this State of Maine or in our nation, the production of food has become the link-pin of the nation's economy and the trade and export weapon of our times.

On this beautiful and marvelous day, we are certainly reminded of the unmatched growing beauty which surrounds us. Let us be grateful and thankful for our American and State of Maine farmers, the most productive people on earth today. These folks who blend their talents with those of nature and God in a way never before seen in history, this is the real strength of our state and nation.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Poland, Mr. Torrey, yesterday suggested that there might be something political involved, and I think I told you yesterday that it was not the House or the Senate that was involved in the politics.

You are beginning to see the scenario now; it is beginning to come out. We went through step one yesterday, you have got step two today, which is to indefinitely postpone the bill. That was anticipated, and before you leave this session, every

attempt possible will be made to kill any type of bill, any type of amendment, so that you can go back home, the Maine Milk Commission can keep on just as they have been going on for 30-some years now. That is the game they are playing. Step two is now.

I would ask you not to indefinitely postpone. I think Mr. Torrey also mentioned what a terrible state farmers would be in. I suggest if you would like to read the bill, on page 2, there are conditions written into the bill so that farmers would not be in jeopardy. I will read that to you. "If market conditions become so adverse so as to seriously jeopardize or endanger the supply of wholesome milk, the Commission may, with the approval of the Governor, hold public hearings to determine whether fixed minimum prices shall be established between or among any and all of the following parties." Then it goes on to speak about the dealers and so forth, and what that actually does, if conditions do deteriorate, the Governor can implement action to take care of those conditions. So I don't think you have got to be too concerned about the plight of the Maine farmer. As a matter of fact, if the Maine farmer is going to be saved at all, it is my opinion that you are just going to have to do away with price fixing.

The plight of the Maine farmer is bad; there is no question about that, but it is not due to the fact that — or it is due to many other conditions not related to the abolishing of milk pricing controls.

I urge you again to defeat the indefinite postponement motion. Stick around, watch the bill, watch all of the bills and all of the amendments, then you will understand the game Yankee Milk plays.

Mr. McMahon of Kennebunk 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 Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, I am going to ask that I be excused from voting because of a conflict of interest.

The SPEAKER: The gentleman from Limerick, Mr. Carroll and the gentleman from Gray, Mr. Kennedy, are excused from voting pursuant to Rule 19.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: I would like to throw a couple of questions to Representative Berry. If we don't have fixed prices for our farmers when they deliver their milk to the wholesaler and the wholesaler can give them the market price or any price that is going, how can that farmer stay in business. If that wholesaler wants to lower the price to any price he wants to offer them, to the detriment of the farmer, exactly what can the farmer come back to to stay in business if that happens and we don't have a Milk Commission?

The SPEAKER: The Gentleman from Calais, Mr. Silverman, poses a question through the Chair to the gentleman from Buxton, Mr. Berry, who may answer if he

so desires, and the Chair recognizes that gentleman.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest that probably the easiest and quickest way to answer that question would be, what happens to an automobile dealer, automobile producer? The same thing applies, supplying the man from free market conditions.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Buxton is just right. The law of supply and demand will take over and the law of supply and demand says if the price that the milk can be sold in the stores is reduced, there is going to be a price war and the price will go down. The processor will not be able to pay as much to stay in business, so they won't stay in business, that is the small processors. The farmers will not get so much for their milk, so they won't be able to stay in business. That is for the farmers.

If you want to further the proposition of monopolistic corporations running the milk business in the State of Maine, you vote against the gentleman from Easton, Mr. Mahany. If you want to protect the milk business in the State of Maine, if you want farmers in Maine to continue to function the way they have and produce and to have their small family farms, which have been the foundation of the State of Maine, then you vote in favor of Mr. Mahany's proposition.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you are not going to be fooled this morning by the remarks made by that fine gentleman and my good friend from Farmington, Mr. Morton. I suggest that we are in a monopolistic situation right presently because of the influence that the dealers have on the Maine Milk Commission. You know, if you sit and talk with the lobbyists who are representing the dealers, they will say, you know, all we want to do is what is good for the farmers and if the farmers are opposing this bill, then I guess we have got to. I think very unfairly that they are using the farmers to oppose the bill that they would like to surface and oppose in a manner that the gentleman from Farmington has expressed here this morning.

I suggest that you don't be fooled by the remarks that were made. I have served in this House four terms and I have heard the same arguments over and over again — let's proceed slowly. Let's revise the commission, let's do this and let's do that, but more importantly, let's not do anything. That is their scheme; that is their plan, so I hope you oppose the motion of the gentleman from Easton, Mr. Mahany, and let's do something.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I want to protect the consumer, so I am going to support Mr. Mahany. In the long run, this supports the consumer.

Recently, I was in California and let me tell you how it worked out there. In this state now, presently, you can go to almost any little Ma and Pa store and any major store and buy milk by the quart or by the gallon, but let me tell you, I found it very hard in California to buy milk, only just the

stores that handle milk. They were owned by big corporations, Sheffield Milk, Bowdoin and so forth. I submit to you that if we don't support Mr. Mahany, within a two or three year period, you will have about three companies handling the milk in Maine and it won't be in the stores. You will have to go to their store to get it. Cumberland farms is one of them and probably Hoods will be another. There will be about three of them. Outfits like we think in Bangor, like Grants, they are not even going to be in the business, because three or four of these nationwide outfits will be in there and you will have to buy your milk from them and you will have to pay their price. They are going to set the price and the supply and demand will be in their favor. They will have eliminated so many small people and so many small farmers that then the people — but see, I am trying to look ahead, I am trying to see what — I know will happen, and I am trying to tell you people.

Mr. Mahany, if we support him we are at least going to have things as they are, status quo, which I don't think milk is overpriced in this state if you look across the nation. I would rather have it as it is today than have to go to a store like Cumberland Farms and buy my milk and my butter and farm products. I would rather it be like now, that I can go to the A&P or any little Ma and Pa store and buy a gallon of milk and I don't think it is overpriced. This is what the result will be, if this bill passes, it will be like many others that I stood here before this House over the period of years and said, well I told you so but you wouldn't listen. I hope this morning you will listen and you will support Mr. Mahany.

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

Mr. ALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you go along with Representative Mahany. I have been a dairyman for 16 years. Down in the town of Limestone, you have got one dairyman left. In the town of Caribou, you had 33 dairymen, they are down to two. Fort Fairfield, I think, has one. Van Buren has one, which they had around 32 or 33. So, you want to be careful what you are doing because you might cut off the hand that is feeding you.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: It seems today that we have about 150 experts on farming in this House. I would suggest to you that probably only five people here ever did any farming. They don't know what it is to farm, they don't know troubles a farmer has to pay his bills. I feel that we should support Mr. Mahany in the interest of both the producer and the consumer.

I went to hearings at the Civic Center where the farmers came in with tears in their eyes and their only hope was the Milk Commission. They really believe this. Two years ago, I was on the other side. After seeing these people, these people who work 16 and 18 hours a day come in and say this was their only hope, I have changed my mind.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: A very brief point. The first indication of profitability in business is reinvestment and the second indication is additional operators. If there

is money being made, people in business, whether it is the farming business or another business, they reinvest. If it is very profitable, there will be additional people enter the business.

Now, those of you who recognize it, I would ask when was the last time you saw a new dairy barn. Some of you come from areas where it is unlikely that you will see a dairy barn and perhaps you could turn to a seatmate and have him describe it to you.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I am not a farmer because I couldn't even raise an umbrella, but I am concerned about this little deal and I am going along with Mr. Mahany for the simple reason that if this milk price is repealed here, I am concerned about the quality of the milk, because up home there was a woman said to her husband one night "Did you water the cows?" He said, "I will water the milk, that will be just as good."

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Berry said a while ago there was a safeguard in this bill against the price going down. Well, I would suggest that these farmers aren't coming down here and asking the Governor or any other committee, when they get ready to go out of business they will go if they can't make a profit. I think we should keep it the way it is.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I was here later last night than a good many people, I think, because I was practically alone, with one exception, Farm Bureau members were out here waiting for the roll call. They wanted to see what happened, couldn't understand it. They got their roll call sheet and they stayed longer than I did and they were here before I was this morning, and I think the results of that are beginning to show.

Yesterday, when this bill came on to the floor, there wasn't an overly amount of debate. Not too many people participated in the debate. Today we are seeing them crop up from everywhere. If you think Charlie Cragin is something, watch these guys. Charlie Cragin has been in business, and they are experts. Watch the results.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I have a number of dairy farmers in my district and I have put a lot of time into the Milk Commission issue. I had considerable input into the proposal that came out of the Agriculture Committee to reform the Maine Milk Commission. I think, and I have spent a lot of time looking into it, that if we eliminate the retail price entirely, we will be doing a serious disservice to the farmers in this state and that we will be hurting them in such a way that many of them may not be able to recover. I think at the same time the present commission has done a dismal job of establishing the price of milk. I think that there is a terrible need to revise the commission and to give it clear statutory direction in setting the price of milk so that it is clear that the purpose of the Milk Commission is to adequately protect the farmer and not to give over protection to the Maine Dairies.

I voted for the committee amendment yesterday with the expectation that there would be further amendments to it which would make it more beneficial to the farmers and to the consumers. I will vote against indefinite postponement today, because I feel that something has got to be done about the makeup of the commission and the method by which it sets its prices.

I am hopeful that action in the other body will revive some form of the committee amendment, but I don't think that we should put ourselves in the posture where this House has voted to retain the status quo. The commission, as it has conducted its business, I feel, has been seriously derelict in carrying out its obligation to represent the interests of the people of Maine as well as the interests of the industry.

I would urge you to vote against the indefinite postponement, though later in this continuing discussion on this bill I will be urging, I hope, that you vote for some kind of reform of the Maine Milk Commission.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you do vote against the pending motion, which is indefinite postponement. As I said yesterday, in a 1965 Bangor Daily News article indicated that ten years ago the Legislature was considering abolition of retail price controls of milk, it is either abolition of the retail price controls or else the abolition of the commission itself are in the platforms of both political parties. I think the people want a change. To vote for indefinite postponement would not allow that change.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Easton, Mr. Mahany, that this House indefinitely postpone this Bill, "An Act to Repeal Milk Control Prices at the Retail Level," House Paper 208, L. D. 265 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Call, Carpenter, Conners, Cote, Curran, R.; Curtis, Dam, DeVane, Dudley, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gould, Hunter, Hutchings, Immonen, Jacques, Kauffman, Kelley, LeBlanc, Lewis, Littlefield, Mackel, MadLeod, Mahany, McBrearty, Mills, Morton, Perkins, T.; Peterson, P.; Rollins, Smith, Sprowl, Susi, Torrey, Tozier, Walker, Webber.

NAY — Bachrach, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carter, Chonko, Churchill, Clark, Connolly, Cox, Curran, P.; Davies, Doak, Dow, Drigotas, Durgin, Farley, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Ingegnieri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, LaPointe, Laverty, Leonard, Lewin, Lizotte, Lovell, Lynch, MacEachern, Martin, A.; Martin, R.; Maxwell, McKernan, McMahon, Miskavage, Mitchell, Morin, Mulhern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney,



Truman, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship.

**ABSENT** — Bagley, Bowie, Carey, Carroll, Cooney, Faucher, Kennedy, Lunt, Strout.

Yes, 44; No, 96; Absent, 9.

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

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

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

Mr. **NORRIS**: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side I now move reconsideration where this bill was passed to be engrossed and hope you vote against me.

The **SPEAKER**: The gentleman from Brewer, Mr. Norris, moves the House reconsider in action whereby this Bill was passed to be engrossed. 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.

#### Second Reader Amended

Bill "An Act Concerning the Coverage of Newborn Children under Certain Health Insurance Policies and under Certain Hospital and Medical Service Organization" (H. P. 1096) (L. D. 1378)

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

Mr. Hobbins of Saco, offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-538) was read by the Clerk and adopted.

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

#### Second Reader Tabled and Assigned

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

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

(On motion of Mr. Goodwin of South Berwick, tabled pending passage to be engrossed and specially assigned for Monday, June 2.)

Bill "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State (Emergency)" (S. P. 533) (L. D. 1901)

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 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) (C. "A" S-194)

Bill "An Act to Amend the Eating, Lodging and Recreational Place Licensing Law" (H. P. 788) (L. D. 958) (C. "A" H-497)

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

#### Second Reader Tabled and Assigned

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

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

(On motion of Mr. Greenlaw of Stonington, tabled pending passage to be engrossed as amended and specially assigned for Monday, June 2.)

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)

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

Mrs. Post of Owls Head offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-509) was read by the Clerk.

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

Mr. **LaPOINTE**: Mr. Speaker and Members of the House: Could the gentledady explain the amendment.

The **SPEAKER**: The gentleman from Portland, Mr. LaPointe, poses a question through the Chair to the gentledady from Owls Head, Mrs. Post who may answer if she so desires.

The Chair recognizes that gentledady.

Mrs. **POST**: Mr. Speaker, Ladies and Gentlemen of the House: The bill simply says that the Department of Health and Welfare can not stop small boarding homes and nursing homes for providing care on a cost-plus percentage basis. I have spoken to the sponsor on this bill.

Thereupon, House Amendment "A" was adopted. The Bill passed to be engrossed as amended and sent to the Senate.

#### Second Reader Tabled and Assigned

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) (C. "A" H-518)

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

(On motion of Mrs. Boudreau of Portland, tabled pending passage to be engrossed as amended and specially assigned for Monday, June 2.)

#### Passed to Be Enacted Emergency Measure

An Act to Facilitate Municipalities in Undertaking Activities Pursuant to the Housing and Community Development Act of 1974 (H. P. 641) (L. D. 813)

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. 120 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent up for concurrence.

#### Emergency Measure

An Act to Authorize the Town of St. George to Hold a Special Town Meeting in May, 1975, to Vote on Certain Local Option

Questions Concerning the Sale of Liquor. (H. P. 1564) (L. D. 1872)

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. 113 voted in favor of same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 111 voted in favor of same and 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 Make Allocations from the Department of Inland Fisheries and Game for the Fiscal Years Ending June 30, 1976 and June 30, 1977 (H. P. 1602) (L. D. 1884)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 111 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act Appropriating Additional Funds for State Participation in the United States Department of Commerce Sea Grant Program (H. P. 923) (L. D. 1140)

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

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.

#### Passed to Be Enacted

An Act to Clarify the Estimated Premium Tax Law (S. P. 260) (L. D. 857)

An Act Permitting Certain Graduates of Vocational-Technical Institutes to Take the Journeyman's Examination Given by the Electrician's Examining Board, the Oil Burner Men's Licensing Board or the Plumbers' Examining Board (S. P. 335) (L. D. 1121)

An Act Relating to Utility Deposit Practices (S. P. 358) (L. D. 1162)

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

An Act to Provide for Date of Election on Applications for Absentee Voting (H. P. 796) (L. D. 969)

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 Concerning the Registration and



Operation of Snowmobiles (H. P. 845) (L. D. 1030).

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

(On motion of Mr. McBreairty of Caribou tabled pending passage to be enacted and specially assigned for Monday, June 2.)

#### Enactor Tabled Unassigned

An Act to Provide Employment Security for State Legislators (H. P. 1224) (L. D. 1535)

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have a letter here from the Attorney General Office and we may have some constitutional problems with this piece of legislation. I would request that someone table this unassigned.

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

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

An Act to Provide for the Continued Lease of the Restaurant Concession at the Ancient Pemaquid Restoration Site in the Town of Bristol (H. P. 1416) (L. D. 1718)

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

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Relative to page 4, item 9, non-concurrent matter, which is Bill "An Act to Require Returnable Beverage Containers" having voted on the prevailing side whereby this bill was passed to be engrossed as amended I move reconsideration and urge you all to vote no.

The SPEAKER: The gentleman from Wayne, Mr. Ault, moves the House reconsider its action whereby Bill, "An Act to Require Returnable Beverage Containers" L. D. 1888 was passed to be engrossed. 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.

On motion of Mr. Hewes of Cape Elizabeth, the House reconsidered its action whereby Bill, "An Act to Expand the Authority of Pharmacists to Dispense Drugs by their Generic Names," House Paper 176, L. D. 200 was passed to be engrossed under Consent Calendar Second Day.

Thereupon, the Committee Report was read and accepted and the Bill read once. Committee Amendment "A" (H-494) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

On motion of Mr. Goodwin, of South Berwick, the House reconsidered its action whereby Bill, An Act to Amend the Eating, Lodging and Recreation Place Licensing Law," House Paper 788, L. D. 958, was passed to be engrossed.

On motion of the same gentleman, tabled pending passage to be engrossed and tomorrow assigned.

On motion of Mr. Goodwin of South Berwick, the House reconsidered its action whereby Bill "An Act to Repeal the Requirement for Wearing Motorcycle Helmets," House Paper 897, L. D. 1084, was passed to be engrossed.

On motion of the same gentleman, tabled pending passage to be engrossed and specially assigned for Monday, June 2.

On motion of Mr. Tierney of Durham, the House reconsidered its action whereby An Act Concerning the Landlord-Tenant Relationship in Mobile Home Parks, Senate Paper 432, L. D. 1418, was passed to be enacted.

On motion of the same gentleman, tabled pending passage to be enacted and specially assigned for Monday, June 2.

#### (Off Record Remarks)

On request of Mr. Rolde of York, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had 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.

#### Orders of the Day

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

House Divided Report — Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-474) — Minority (5) "Ought Not to Pass" — Committee on Human Resources on Bill "An Act to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-Offenders" (H. P. 1114) (L. D. 1416)

Tabled — May 27, by Mr. Talbot of Portland.

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

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-474) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

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

Tabled — May 27, by Mr. Farnham of Hampden.

Pending — Acceptance of Committee Report.

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

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

Senate Report — "Ought to Pass" as amended by Committee Amendment "A" (S-180) — Committee on Judiciary on Bill "An Act to Clarify Laws Relating to Corporations" (S. P. 421) (L. D. 1388). In Senate, Passed to be Engrossed as amended.

Tabled — May 27, by Mr. Gauthier of Sanford.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-180) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

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

Tabled — May 27, by Mr. Rolde of York.

Pending — Passage to be Engrossed.

Mr. Blodgett of Waldoboro offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-535) was read by the Clerk.

Thereupon, Mr. Connolly of Portland moved the indefinite postponement of House Amendment "A".

(Due to machine failure, some remarks were not able to be transcribed.)

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

Mr. DeVANE: Mr. Speaker, I would pose a question through the Chair to the gentleman from Portland. I don't know how many Deputy Commissioners of Education there are but I wonder what the gentleman's name was, Sir, that said this would cost no additional money.

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

Mr. CONNOLLY: In response to the question, Mr. Speaker, the Deputy Commissioner was Asa Gordon.

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

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House, I would like to concur with the remarks made by the gentleman from Waldoboro, Mr. Blodgett. I think that it's time that we opened up our eyes up here and didn't take on every program that is introduced in Education. I think if you will check your funding bill which we have in our book here, which is quite a lengthy document, that you will find that under the Department of Education there is somewhere between six and eight pages of funding, and it would take a Philadelphia lawyer to get through there and find some of these programs that we have.

This amendment possibly will scuttle the bill. This seems to be the legislative process, but I just think it is an honest attempt to fund something here and not continue on this path that we have been on for years up here introducing programs under the guise that they are needed. If this message needs to be brought out to the guidance directors and existing people

who are trying to direct our children in our school systems, let's get the message back home to the school committees, you and I as legislators, and see if this couldn't be started and initiated at home without coming in here now and mandating every school system in the State of Maine to come out with this program.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As far as this program being something new to SAD 54, which encompasses my town as well as one town represented by the Representative from Pittsfield, Mr. Susi, as well as some of the towns represented by the good lady from Madison, Representative Berry. We have had this program in operation now for two years, and basically our program is almost the same as what is envisioned here in this L. D. It has not cost us any extra money to run this program. We do have services where they go out in the community, we do locate jobs, we try to create new jobs within the community, we do train the vocational students for jobs that are opening up in the community or going to open up in the community, so actually, with the enactment of this bill, 1609, I don't see where any school district would require any additional money if they wanted to implement the program.

When they talk about a million dollars to do it, maybe the Department of Education is thinking that maybe they would like to create a lot of additional positions, but it is not necessary that new positions be created. If you have got any kind of a school system at all, and I would assume that with the passage of L.D. 1452 that our school systems should be in fairly good shape and there should be enough initiative on the part of the administration and teachers that they could implement this program at no additional cost.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: This bill mandates an employment agency in every high school in the State of Maine.

I would like to outline for the members of the House some of the services now which are extended in all high schools in the State of Maine. It was quite some few years ago that we instigated guidance programs in practically all high schools, and the guidance programs were set up to help all students to direct them in establishing which courses they should take, to talk with them about their personal problems, including possible future employment and in general to give these students help. I assume that is what they are doing. To the best of my knowledge, that is right.

Besides that, we not long ago put in a program of special education which was designed to help certain students who needed extra help of one sort or another. Besides that, we have put in vocational education in many schools. We not only have local vocational education, but regional vocational education and this is again designed to help the student learn how to work, learn how to get a job, learn how to make a good appearance and do essentially what this bill says.

We also have, of course, phys-ed programs, we have home-ec programs, we have industrial arts programs, and these are aimed at helping the high school students. I can't conceive that we need an employment agency in every high school in the State of Maine, and this bill

mandates exactly that. I can tell you, if there is enough staff in the high school to do what this bill says, we had better fire about half of them, because they are not doing anything, and I don't believe that is true.

I am not much addicted to reading things, but here are a couple of very short paragraphs that I would like to go over. This appeared in the Christian Science Monitor, Friday, May 19, and it is entitled Black Paper Blames British System for Pupil Failures. This was not the United States, this was Britain, but this may be a forerunner of what we are up against. The fault, the Black paper alleges, is not outdated school buildings or extra large classes or even the social background of the children. It is bad teaching. British teachers are being turned into second-rate social workers to the detriment of their teaching, the paper says. Poorly formed traditions, parental neglect and even malnutrition have always existed, but the traditional teacher treating pupils has opened the eyes of children to a new world of exciting and liberating learning. The best way to help disadvantaged children is to teach them to read and write, the Black paper proclaims.

I wonder sometimes if this isn't what we are doing in our schools that we are putting in so many non-teaching programs, that we are turning our teachers into sort of second-class social workers. I am not talking against this employment agency idea. I say if this is needed in the State of Maine, why don't we establish a social service center, staff it, house it, and pay for it.

I will give you a little idea of what a program like this would cost. We have a pilot program going in one of the schools in the State of Maine. It is highly successful, highly praised, doing a wonderful job and costs only slightly more than \$40,000 a year. I would suggest that this needs to be funded.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: We have heard where this bill had been referred to as a job placement bill or an employment agency bill, and actually it doesn't do any of these things at all. I think that actually what we have got to think of is that we are dumping millions of dollars into the educational system and are we really following up after a child leaves the high school or are we just letting them go out on their own? I think what we are doing, we are maybe glorifying the school system while they are in the schools and actually we could do a lot more for them and for the State of Maine as far as economic benefits or monetary benefits are concerned than what we are doing now. I think with the implementation of what is outlined in L. D. 1609, and again I will say this can be done with no additional cost, and if there would be additional cost to a district or a school system, then I would suggest maybe that it should be looked into and find out why there should be the additional cost.

Again I will say, in my area we make contacts with all the existing industries, we know what their job skills are, we know what their requirements are for hiring help, we do place some of our students in there for training periods a certain length of time, and we know when there are openings so that when a student is graduating or getting ready to leave school or leave the course, we can place them in that position. Also, I think this would be a

great help where new industry would be coming into an area and might be seeking a different type person to work than what is presently in that immediate area or in the immediate market, because that industry would know we do have this system operating and is a uniform operation and they could go to that school and tell them they need x number of people to do this required trade. I think this would be a great incentive to a new business locating in the area.

I think there was mention that if this program was running in some of the schools, then maybe it would show those schools had too much staff or too many teachers on the payroll. Well, maybe again, as I have said so many times, maybe I come from an area that is a little peculiar because we don't have overdrafts in our budgets and we don't have unauthorized expenditures or anything like but we do have a program going like this. As recently as last night at the budget meeting of S.A.D. 54, with a unanimous recommendation of 23 members of the Board of Directors, they voted not to accept the additional money that the State of Maine offered. They will return it to the state because they don't need this money. Maybe we are a little different in my area, maybe that is why we have the programs going and it doesn't cost us that money. But I think, personally, this is a good bill and I would hate to see it indefinitely postponed, because I think this million dollar price tag that has been thrown up is nothing but a scare that had been thrown up and I don't think it will cost anywhere near that. Personally, I don't think it will cost anything to implement the program.

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

Mr. BIRT: Mr. Speaker and Ladies and gentlemen of the House, I think I will take advantage of an opportunity that prevails itself in commending the good job that the gentleman from Danforth, Mr. Fenlason, did. Interestingly enough, Mr. Fenlason at one time was superintendent of schools in part of my legislative district and I got quite well acquainted with him sometime before he came down to the legislature. I think everything that he said today was exactly right. I have talked with the superintendent of schools in my own town, I think he is one of the more competent ones in the state, and he said this would be a real problem to him. It would require at least one full-time person at a minimum. He said, I don't even know how you can fund a full-time person with the restrictions that have been put in because of the funding laws; all of the money that we have coming is already allocated.

I think it would be a mistake to pass this bill. If you want to put something on the books, a mildly permissive recommendation or something of this nature, it's okay, but I think to go any further than that without putting the funding in so you can reimburse the communities is completely wrong.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like at this time to tell you that this letter I read to you is from the Biddeford Adult Education Department and Mr. John Simpson. The largest adult education program in the state that two weeks ago graduated 111

students, adult education. I know this man knows what he is talking about.

What we are asking here is to give 60 percent of the high school students who leave in June the same opportunity you give the other 40 percent who are going on to school. I would ask you all to kill this amendment.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I highly concur with the Representative from Skowhegan, Mr. Dam, in his comments earlier. As a member of the Jobs Committee this year, I have listened to a lot of testimony of the difficulty of getting jobs and that problem is compounded tenfold for the young people of the State of Maine. The unemployment rate officially for students and young people in the age bracket from 16 to 25 is probably one quarter and probably the unofficial rate is quite a bit higher than that, perhaps even approaching a third in some areas of the state. These are people who haven't got the vaguest idea of how to get out of this situation. They come out of school, they don't know much about the job market at all, they face an extremely tight job market and they don't know where to turn and they need the counseling that this bill is going to provide for them to give them at least the minimum skills necessary to find what jobs there might be.

I might also point out, the Maine Employment Security Commission is already working with some school systems to implement these proposals and they are just waiting, they have personnel and materials available to work with other school systems, they are just waiting to be asked. I think this bill would provide the incentive for the school systems to do that asking.

Now, let me also point out that the estimate that we have on our desks has been presented to us by the Representative from Waldoboro, Mr. Blodgett, was brought to us by those same people who two years ago brought us the estimate on L. D. 1994 that said it was going to be adequately funded.

There are only 10 secondary school systems in this state that do not have guidance counselors, the people who will be delegated to handle these responsibilities, not the teachers themselves, although they have a role that they could play in this, but it is the guidance counselors. Only 10 schools do not have them. These people are there, they should be doing this, but in a number of cases, they orient themselves well in excess of half of their time towards putting the college-bound students into college and into the programs they are looking for and not paying an adequate amount of attention to the people who are going to be leaving high school and not involved in any other future education whatsoever.

I would urge you to defeat this amendment and to pass this bill.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: There is no doubt but there is need for a program of this sort, but I wonder if some of the people aren't confusing work-study programs on the high school level with the ability of their existing staff in school systems to handle this particular type of legislation. I think if you look at this carefully, you can't help but recognize that it is going to require additional staff which costs money.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I would feel remiss in my duties if I didn't say a few words on this bill, due to the fact that I signed the Majority "Ought to pass" Report. The thrust of this bill suggests that the school reorder priorities to provide equal placement services to all students, regardless of their post-secondary plans. Will reordering priorities cost a million dollars, should it cost anything? The kids going to college are now receiving much help. Does this cost an additional one million? I would suggest to you that over the period of years that I have observed at close observation the counseling service in the schools they are sadly lacking in handling the cases that do not get to college.

I believe that this is a necessary piece of legislation. I cannot see where the cost applies if you simply ask that counseling department to reorder their priority, and this can be done and this can be done in a lot of schools throughout the state.

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

Mr. KAUFFMAN: Mr. Speaker and Members of the House: I hope when we get around to indefinitely postpone this bill that you will certainly do it.

I would like to give an example of a few years ago when I went to one of the counselors in my local high school and asked them what they knew about free education at a higher level in the Military Academy, the Coast Guard Academy, the United States Maritime Academy at Kingspoint, New York, and they knew nothing about it. All they said was, well, you get a political appointment to West Point, Annapolis, the Air Force Academy from your Congressman or Senator. However, I said, did you know that the United States Coast Guard Academy in Connecticut is strictly an academic academy? You go there on your academic standards, not by any political appointment, you do the same thing at the Maritime Academy at Kingspoint, New York, and this is free? They knew nothing about it. Furthermore, you go to a counselor and he will say well, let me look at your academic record, and he will say, just because your father was a machinist, maybe you shouldn't be a machinist. They disturb the children so they don't know what they want to do.

I think this job counseling service, and any counselor I ever talked to, they claimed they were so overworked that they couldn't truthfully screen every student. I will be darned, if you are going to have this job opportunity, job replacement and follow up, it is going to cost every town and city in this state money, because the State Board of Education or the local School board will say, we have got to have a special counselor to do this. I hope we will defeat this bill when it comes up.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Mr. Blodgett of Waldoboro requested a roll call vote.

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

one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Let me express something this way. Have you ever played in a baseball game and tried to pitch and play in the outfield at the same time, have you ever driven two cars at one time? Basically, that is what we are talking about here in the school system here, that we have guidance counselors and we are asking them now to take on additional duties far greater than the duties they presently have and we are saying that they can do them both. That, in my opinion, is absurd.

We have heard the people in education say that it will cost money. Every school system is different. You have heard me talk a lot of Richmond. Richmond just got a guidance counselor this year and he is very much snowed under by the amount of work he has in front of him just meeting the guidelines of a guidance counselor at the present time as the law exists and there is no way that he could cope with this additional piece of legislation. So, to say it won't cost any money is absurd. I think we are fooling ourselves.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: Using the same scenario as Mr. Leonard of Woolwich, all this bill does — you consider for a minute all the time that a football coach spends to find a college for a star halfback. This bill says that we are going to find a job for that big tackle who doesn't go on to college.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Leonard hit the nail right on the head. The guidance program is now being directed totally towards those students who wish to go to college and I come from a small town district and I can tell you that when I graduated from high school eleven years ago, I didn't plan to go to school and the guidance program wasn't set up for me whatsoever. I had to go out and fend for myself on getting a job and most of the kids who went to the school that I went to had to do likewise. I don't think it would hurt one little bit if this guidance program all of a sudden started taking a little interest in students who have to go out and work for a living. I don't think it would hurt at all if they took 50 percent of their time and started putting it into finding jobs for students who don't want to go on to school.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Bustin, Byers, Call, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Davies, Drigotas, Dudley, Dyer, Farley, Finemore, Flanagan, Goodwin, K.; Henderson, Higgins, Hinds, Hobbins, Hughes, Ingegneri, Jalbert, Joyce, Kany,



Kauffman, Laffin, LaPointe, Lovell, Lunt, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, Mitchell, Morin, Mulkern, Nadeau, Norris, Pelosi, Peterson, P.; Peterson, T.; Pierce, Powell, Raymond, Saunders, Snowe, Strout, Stubbs, Talbot, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong.

**NAY** — Ault, Berry, G. W.; Birt, Blodgett, Boudreau, Bowie, Burns, Carter, Churchill, Connors, Curran, R.; DeVane, Doak, Durgin, Farnham, Fenlason, Fraser, Garsoe, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Hunter, Hutchings, Immonen, Jackson, Kelleher, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, McBreairty, McMahan, Mills, Miskavage, Morton, Najarian, Perkins, S.; Perkins, T.; Post, Quinn, Rideout, Rolde, Rollins, Shute, Silverman, Spencer, Sprawl, Susi, Tarr, Teague, Webber, Winship.

**ABSENT** — Carey, Carpenter, Carroll, Dow, Faucher, Gauthier, Hennessey, Hewes, Jacques, Jensen, McKernan, Palmer, Peakes, Smith, Snow, Truman.

Yes, 71; No, 62; Absent, 16.

**THE SPEAKER:** Seventy-one having voted in the affirmative and sixty-two in the negative, with sixteen being absent, the motion does prevail.

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

**MR. DAVIES:** Mr. Speaker and Members of the House: Having voted on the prevailing side, I now move that we reconsider and I would urge everyone to vote against me.

**THE SPEAKER:** The gentleman from Orono, Mr. Davies, having voted on the prevailing side, now moves the House reconsider its action whereby House Amendment "A" 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.

**MR. FENLASON:** Mr. Speaker and Members of the House: Having voted on the prevailing side, I now move that we reconsider and I would urge everyone to vote against me.

**THE SPEAKER:** The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

**MR. GARSOE:** Mr. Speaker, Ladies and Gentlemen of the House: I want to rise to support the motion of the gentleman from Danforth. I would only hark back to the fact that two years ago we embarked on this same course of waving a magic wand and ordaining something to be done and saying it won't cost any money. It was called special education. It is now in the budget for millions of dollars. Let's get off this kick of thinking that we have all the wisdom and all the know-how here in Augusta to tell local school boards what to do. I would suggest that any legislator here who hasn't been to his school board and inquired as to what the direction of their guidance program is, has no business putting this sort of legislation on the books.

**THE SPEAKER:** The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

**MRS. MITCHELL:** Mr. Speaker and Members of the House: With all due respect to those legislators who have spoken otherwise, let me remind you that special education was a new program, guidance counselors have been around for a very long time. I think Mr. Kauffman has pointed out that the guidance counselors need guidance.

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

**MR. NORRIS:** Mr. Speaker, Ladies and Gentlemen of the House: I am not an expert on education, but what are we running our school for? Are we running our schools for that 40 percent of students who want to go on to a vocational school or on to college? Are we going to completely forget the 60 percent of students that go into our system, what are we doing with these people? Are we simply going to send them to high school and forget about them when we then get in high school if they are not a 3.0 or 3.5 average student? Do we just forget them and throw them into the system and have them come out and not be able to go to work and go on welfare? Is this what you want them to do?

I am really concerned, I am concerned with this House, I am concerned with the education in the state. We spend millions of dollars, millions of dollars, and all we are concerned with is making everybody a college graduate or a vocational-technical graduate and let the rest of them go, let them fend for themselves, and that is at an expense of millions of dollars.

I hope that when this vote is taken it is taken by the yeas and nays and I hope the parents of every child that isn't going to go on to school reads that vote and takes good note of it, because these kids deserve as much of a chance as those children that are a little more brilliant and got a little better chance to get a little higher average.

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

**MR. MULKERN:** Mr. Speaker, Ladies and Gentlemen of the House: I heartily concur with the remarks of the previous speaker. I think indefinitely postponing this bill is just simply a case of being penny wise and pound foolish.

To me, we have to look at the total cost. It isn't just the cost of education we are talking about here, it is the cost of the lives of these children. What are we going to do with these people who go out and they can't get a job? Then they go in and they have to get food stamps and the welfare and all this other stuff because they can't get a job. Boy, it is going to cost us plenty then. It seems as though we are talking foolishly here. Let's give these kids, this percentage, a chance to be productive people. It seems as though we ought to pass this bill today.

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

**MR. LYNCH:** Mr. Speaker, Ladies and Gentlemen of the House: Whether they intended it or not, the last few speakers have, by implication, said that local communities do not know how to run their school systems. They do not have concern for their children, so we must, as the legislature, mandate programs that they are not smart enough to do themselves.

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

**MR. TALBOT:** Mr. Speaker and Ladies and Gentlemen of the House: I really don't think that this body can vote against this bill because what you're saying is and it's the way I have been hearing it, is that the guidance teachers today are the same as guidance teachers were 20 years ago, when I graduated from Bangor High because I graduated from Bangor High after quitting four times in my senior year and not wanting to go on to school. Maybe you can tell that, I don't know, but what I'm saying is that I did not want to go on to school which left me out in the open, left me in limbo as the gentleman from Brewer

said, it left me all by myself and we, as parents today, spend hours and time and money to get our kids to go to college, making out forms, going to school, going to colleges, looking over this, looking over that, making sure that this is possible for them, making sure that they can do it but the kids that don't want to go to school, don't have the money to go to school, and have no desire to go to school are left off by themselves, are left out in limbo — no one to help them and what I'm saying is and what you're saying is that the guidance teachers haven't changed. I don't think the guidance teachers are doing their job. Now, I've heard the gentleman from Woolwich say the guidance teachers are overworked. I don't believe it, I don't believe it, I don't believe they are overworked. I believe they can implement this program within their other duties and I don't think it's going to be that hard for them to do their duty, for them to do right. I think they have a right and responsibility to look after the other students who might not want to go on to college, they might not want to be the prima donnas, who might want to go on to something else. They have that responsibility, also. They just don't have the responsibility to look after those kids that are going on to college. This is a two say system. The whole school is something they should be looking out for. I'm saying and I think this body should be saying that that is right, even if it does cost a little bit more money. I don't think it's going to cost any million dollars, even if it does cost a little more money, then that's where we should have our head at.

**THE SPEAKER:** The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

**MR. FENLASON:** Mr. Speaker and Ladies and Gentlemen of the House: I'm very much surprised and I'm quite deeply hurt by some of the accusations that have been leveled against our school system. I was in our public school system for a good many years and I assure you that I and many of my colleagues did not pick on children because they were not going to college, we did not neglect them, we did our best to help every child who walked through the doors of those schools and I believe we are still doing it and I don't think we are running the school system for the sake of a few kids going to college. This is entirely wrong, because as I said before, we have many other programs, what I'm saying is that the school system is not the place for an employment agency and that if we need an employment agency, I repeat, we should establish it, we should house it, we should staff it and we should pay for it outside of the school system.

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

**MR. DRIGOTAS:** Mr. Speaker and Members of the House: I've got to cite this personal experience that I went through in regards to guidance and to the effectiveness of perhaps the guidance teachers and their qualifications.

I have a younger son who graduated from a local school, won't mention names, won't mention the guidance teacher. In his junior year or so, perhaps it was when he was a senior, I was called into the office and my son was taking a college preparatory course. His ranks were just fair, he scored pretty high on scholastic aptitude tests but the guidance teacher told me, "No way can your son go to college, for goodness sake, Frank, get him a job in the mill, in the shoe shop or somewhere or other". Well, anyway to make a long story short he went on and



graduated from the University of Pittsburgh. First of all, went to work at Liberty Mutual, he's now working for Dupont Chemical Company. Believe me, I have no high regard for that particular school, the guidance teacher who told me to send him to a mill for a job as worthy as they are and as much as I think of them for doing a job in the shop or the mill, or perhaps on the road.

Mr. Garsoe of Cumberland requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Danforth, Mr. Penlason, 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, Berry, G. W.; Birt, Blodgett, Boudreau, Bowie, Burns, Call, Connors, Curran, R.; Curtis, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Farnham, Penlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Henderson, Higgins, Hinds, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, McBreairty, Mills, Miskavage, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Quinn, Raymond, Rideout, Rollins, Snow, Spencer, Sprowl, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Webber, Winship.

NAY — Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Bustin, Byers, Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Dam, Davies, Farley, Goodwin, K.; Hobbins, Hughes, Hutchings, Ingegneri, Jalbert, Joyce, Kany, Laffin, LaPointe, MacEachern, Martin, A.; Martin, R.; Maxwell, McMahon, Mitchell, Morin, Mulkern, Nadeau, Norris, Pelosi, Powell, Rolde, Saunders, Shute, Silverman, Snowe, Strout, Stubbs, Talbot, Tierney, Tyndale, Wagner, Walker, Wilfong.

ABSENT — Carey, Carroll, Dow, Faucher, Hennessey, Hewes, Jacques, Jensen, McKernan, Peakes, Smith, Truman.

Yes, 81; No, 56; Absent, 12.

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

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

Mr. BLODGETT: Mr. Speaker, having voted on the prevailing side, I move that we reconsider and hope you will vote against me.

The SPEAKER: The gentleman from Waldoboro, Mr. Blodgett, having voted on the prevailing side now moves that we reconsider our action whereby this Bill was indefinitely postponed.

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

Mr. CONNOLLY: Mr. Speaker, could we have this tabled for one day?

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

Mr. GARSOE: Mr. Speaker, I request a division.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, requests a division. If you are in favor of tabling for one day, you will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 84 in the negative, the motion to table did not prevail.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would like to ask for a division on the motion and I would like to speak briefly.

The SPEAKER: The gentleman may proceed.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Again, I want to explain exactly what this bill does so that when you vote you understand exactly what you're voting for or what you're voting against. The bill would require that all high schools in the state set up a job placement, a job development and follow-up services for that 60 percent of Maine high school graduates who don't intend to go on to college, or to a V.T.I.

It seems to me, in all the discussions that I have had with the Department of Education, people in the school system in my own district, people in school systems in other parts of the state, that there is absolutely no question whatsoever that this bill is necessary for some schools to implement the kind of program that we are talking about. It is true that in some schools this kind of a program already exists; it's being done readily and willingly without any question whatsoever, but it is also true that in a majority of the schools in the state there is not enough attention being paid to those kids who aren't going to go on to college. I want you to understand that before you vote, the intention of the legislation is that there would be a re-emphasis within high schools so that the kids who won't go on to college would get as much attention, as much help, as much training as those kids who do.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I hope we do reconsider this vote. This week, by some of our actions, we have closed hundreds of Papa and Mama stores. This morning we practically put the dairy farmer out of business and this afternoon, we are trying to make drifters and beachcombers out of 60 percent of our children. I hope you reconsider this and think it over very carefully so that they when they graduate, whether they want to go to college or not, they can get into some field and somebody can help them to get a job somewhere.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would just like to relate something which I saw, I guess with my own eyes and maybe I would vote against this bill too if I hadn't seen it. I was invited down to a neighboring school system which has been talked about, it is in the town of Topsham which isn't an especially wealthy town, the other towns involved are Bowdoinham and Bowdoin, just common ordinary Maine towns with no great tax advantages or anything else and I saw with my own eyes the program

that they put together with no extra staff. It's just a question of attitudes.

In the Junior and Senior year they start talking to kids about what they want to do when they get out of college and if they don't, when they get out of high school and if they don't want to go on to college, they have counseling sessions, they have seminars, they bring people in from the community, businessmen, teach the kids how to interview for a job how to make a good appearance when they come in and you know, I guess the thing that really got me, is that I know the program really works. It was only in existence last year. Last year's graduating class was the first year that did it, and the kids keep coming back to their high school even though they have been out of high school for a year. They come back in the evening and they sit down with these people in the guidance department, they talk to them about their job experience, how is it going, how are you getting along with the other people you work with, how are you getting along with your foremen? I have seen it in a high school with my own eyes and I have seen so many guidance counselors who do work hard, but who are overwhelmed by the exertion they have at trying to keep up with making sure that all of the college brochures are up-to-date, making sure they have a 1975 catalog from Bowdoin and not a '73 catalog, and administering all of the different computer tests, etc. and this is just a question of making them re-orient themselves a little bit and I think we can do it. I think the existing personnel can do it if they just change their attitudes a little bit and I think that's what this bill asks for.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: I haven't changed my mind a bit. I still think that there were 60 percent of the children in our schools that certainly are not getting much guidance as they should get and I am still in hopes that we can do something for them in most every aspect of our society, the majority rules. That is in most cases. Here is a case this afternoon, in my opinion, where we are talking about the majority of the children, the majority of the young people I should say the young adults, in our high schools where we are talking about the majority of them.

I appreciated my good friend from Cumberland, Mr. Garsoe, getting up and asking for the roll call, and assure him that I meant every word that I said, and I hope the parents of every one of these children that are going to come home frustrated, they are on the borderline or between the borderline and three old, in the position they don't know what they are going to do, they are being pressed, they have nowhere to go, no one to guide them, I would ask again Mr. Speaker for the Ayes and Nays and again I hope that the parents of these 60 percent of these youngsters would take note. We're here to protect all of the people, all of the students and I would hope sincerely that you reconsider this afternoon.

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

Mr. LYNCH: Mr. Speaker, Members of the House: Just two short points, the gentleman from Durham said that he went to a high school that implemented this program with no additional staff. That I don't believe is correct. The program was implemented one month after they hired an additional guidance counselor. Now to say

that it required no additional staff, I think is an attempt to deceive the people in the area. They hired the staff and then put the program into effect. Now the gentleman, Rep. Norris, is concerned about the 60 percent of the people and there's been some question as to whether we should have our names on a roll call. I say if 60 percent of the parents of the children in schools are not concerned with the problem then you can't mandate it and if those same 60 percent are not interested in their children they certainly will not be interested in reading your name on a roll call.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I can only speak for the parents and the concerned parents in my area. I naturally can't speak for the parents in the area of Livermore Falls where the good gentleman Mr. Lynch comes from. But I know that the parents in my area are concerned and the very parents that I'm speaking of, they are concerned with the whole broad spectrum of education but mainly this area, the only kids that are getting the preferential treatment are the kids that are smart enough to go on to school, to go on to further education. Let's devote a little time to the people who can't do that.

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen: We're hearing a lot of cloth being spun out of very thin statistics, in my opinion. I challenge the statement that 60 percent or 70 percent or 40 percent of the attention on children today is on those going to college. Don't believe these statistics unless you go home and check it yourself because in my experience, we have seen the greatest shift in the last few years from the college oriented student towards the trades and the skills. Don't buy this until you've checked it out at home.

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

Mr. KAUFFMAN: Mr. Speaker and Ladies and Gentlemen of the House: In reply to Rep. Norris and Rep. Connolly if they are so concerned about this program in their City of Portland or the City of Brewer, all they've got to do is to go to the city council or town manager or whatever they have when they have their budget hearing and implement this in their school system.

Now, I am fortunate enough to live in southern Maine and I think in my area we have the highest per capita income in the State of Maine and for years the State of Maine has been the Board of Education rather disturbed about the percentage of graduates from our high school that do not go on to higher education. A lot of them join the military services, we have super markets that absorb them, garages, etc., but right now we have a program in our schools and I agree with the gentleman who said that our educational system needed overhauling and I think they call it Industrial Arts, which has a shop, etc., but under the guidelines of the State Dept. of Education, these children taking that shop course, have to have so many hours of classroom instruction. Some of those children do not have the mentality to absorb book learning and I've been down there and I will bow to no man as being a skilled mechanic and I've seen the work

those children do in the shop courses but the instructors today that actually teach the children how to run a lathe, a planer, a saw or something, are sitting on their fannies while the children are up getting so many hours of classroom instruction. Now, I say that no counselor can tell that child, what he's fit for, what he can do. He has mechanical ability but not classroom ability and this program is mainly a job placement program which I think our Maine Unemployment System can very well take care of.

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

Mr. GOULD: Mr. Speaker and Ladies and Gentlemen of the House: I support the motion to indefinitely postpone this bill and I'll tell you why. Once I ate in a Chinese restaurant and after I had finished dinner, I opened a fortune cookie and on that slip it said, "you can't afford to eat here." So that's how I feel about this bill, how are you going to fund it? There's quite a price tag on it.

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

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

The SPEAKER: The pending question before the House is to reconsider whereby this bill was indefinitely postponed. If you are in favor you will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Bachrach, Bagley, Bennett, Berry, P. P.; Birt, Bustin, Byers, Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Dam, Davies, Farley, Goodwin, K.; Hughes, Hutchings, Ingegneri, Joyce, Kany, Kauffman, Laffin, LaPointe, MacEachern, Martin, A.; Martin, R.; Mitchell, Mulkern, Nadeau, Norris, Pelosi, Powell, Rolde, Saunders, Shute, Silverman, Stubbs, Talbot, Teague, Tierney, Tyndale, Wagner, Walker, Wilfong.

NAY — Albert, Berry, G. W.; Berube, Blodgett, Boudreau, Bowie, Burns, Call, Connors, Curran, R.; Curtis, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Greenlaw, Henderson, Higgins, Hunter, Immonen, Jackson, Kelleher, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Maxwell, McBrearty, Mills, Miskavage, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Quinn, Raymond, Rollins, Snow, Snowe, Spencer, Sprowl, Strout, Susi, Tarr, Theriault, Torrey, Tozier, Twitchell, Usher, Webber, Winship.

ABSENT — Ault, Carey, Carroll, Dow, Faucher, Hall, Hewes, Hinds, Hobbins, Jacques; Jalbert, Jensen, McKernan, McMahon, Morin, Peakes, Rideout, Smith, Truman.

Yes, 50; No, 80; Absent, 20.

The SPEAKER: Fifty having voted in the affirmative and eighty in the negative, with twenty being absent, the motion to reconsider does not prevail.

Sent up for concurrence.

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

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

Tabled — May 27, by Mr. Rolde of York. Pending — Passage to be Enacted.

The SPEAKER: This being an emergency measure, under the terms of the Constitution it requires for enactment the affirmative vote of two-thirds of the entire elected membership of the House. If you are in favor of passage to be enacted, you will vote yes; those opposed will vote no.

A vote of the House was taken. 109 having voted in the affirmative and 41 in the negative, 109 being more than two-thirds as required by the Constitution, this Bill was passed to be enacted as an emergency measure, signed by the Speaker and sent to the Senate.

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

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

Tabled — May 27, by Mr. Rolde of York. Pending — Further Consideration.

On motion of Mr. Tierney of Durham, the House voted to insist and asked for a Committee of Conference.

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

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

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

Pending — Passage to be Enacted. On motion of Mr. Kelleher of Bangor, retabled pending passage to be enacted and specially assigned for Monday, June 2.

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

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

Tabled — May 27, by Mr. Rolde of York. Pending — Motion of Mr. Peterson of Windham to Indefinitely Postpone House Amendment "A" (H-432) to Committee Amendment "A" (H-354)

The gentleman from Farmington, Mr. Morton, withdrew House Amendment "A" to Committee Amendment "A"

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

House Amendment "B" to Committee Amendment "A" (H-554) was read by the Clerk and adopted.

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

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

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

Senate Divided Report — Majority (7)

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

Tabled — May 27, by Mr. Birt of Millinocket.

Pending — Acceptance of Either Report. On motion of Mr. Rolde of York, retabled pending acceptance of either Report and specially assigned for Monday June 2 at 11:00 a.m.

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

Bill "An Act to Enact a Local Rental Tax Law" (H. P. 1619) (L. D. 1898) — In House, Referred to Committee on Taxation. — In Senate, Indefinitely Postponed. — In House, Receded and Concurred, Reconsidered receding and concurring, May 27.

Tabled — May 27, by Mr. Rolde of York. Pending — Motion to Recede and concur.

The SPEAKER: The Chair will order a division. If you are in favor of the motion to recede and concur you will vote yes; those opposed will vote no.

A vote of the House was taken. Mr. Carter of Winslow requested a roll call vote.

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 now recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker, it didn't occur to me that this is my bill. I would like to have it go to committee if it could. It is a bill to add a one cent tax on rentals to be returned to the town for fire and police protection, sanitary protection, and I would like to at least have it go to a committee.

The SPEAKER: A roll call has been ordered. The pending motion is to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Berry, G. W.; Birt, Byers, Call, Connors, Cote, Cox, Curtis, Dam, Dudley, Durgin, Fenlason, Fraser, Garsoe, Gould, Gray, Hunter, Immonen, Ingegneri, Kauffman, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, MacLeod, Mahany, Maxwell, Mills, Morton, Mulkern, Perkins, T.; Rollins, Shute, Silverman, Sprowl, Strout, Stubbs, Susi, Talbot, Teague, Theriault, Tozier, Twitchell, Tyndale.

NAY — Albert, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Bustin, Carpenter, Carter, Chonko, Clark, Cooney, Curran, P.; DeVane, Doak, Drigotas, Dyer, Farley, Finemore, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Higgins, Hobbins, Hughes, Hutchings, Jackson, Jalbert,

Joyce, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Leonard, Lynch, MacEachern, Mackel, Martin, A.; Martin, R.; McBreaarty, McMahon, Mitchell, Morin, Nadeau, Najarian, Palmer, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Snow, Snowe, Spencer, Tarr, Tierney, Torrey, Usher, Wagner, Walker, Webber, Wilfong, The Speaker.

ABSENT — Ault, Carey, Carroll, Churchill, Connolly, Curran, R.; Davies, Dow, Farnham, Faucher, Hall, Hennessey, Hewes, Hinds, Jacques, Jensen, Kany, McKernan, Miskavage, Norris, Peakes, Pierce, Smith, Truman, Winship.

Yes, 48; No, 77; Absent, 25.

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

Thereupon, the House voted to insist.

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

Bill "An Act Relating to Motor Vehicle Excise Tax." (S. P. 293) (L. D. 1018) — In House, Enacted, May 23. — In Senate, Indefinitely Postponed in non-concurrence.

Tabled — May 27, by Mr. Palmer of Nobleboro.

Pending — Further Consideration.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been kicking around, as you well know, for a couple of months now, I will take my chances now and insist.

On motion of Mr. Higgins of Scarborough, the House voted to insist.

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

House Divided Report — Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-495) — Minority (3) "Ought to Pass" as amended by Committee Amendment "B" (H-496) — Committee on Public Utilities on Bill "An Act Relating to Board of Trustees of Bath Water District" (H. P. 463) (L. D. 565)

Tabled — May 28, by Mr. Rolde of York. Pending — Acceptance of either Report.

On motion of Mr. Leonard of Woolwich, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-495) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-492) — Committee On Taxation on Bill "An Act to Provide Income Tax Credits for Eligible Businesses." (H. P. 935) (L. D. 1177)

Tabled — May 28, by Mr. Farnham of Hampden.

Pending — Motion of Mr. Drigotas of Auburn to accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Palmer of Nobleboro, retabled pending the motion of Mr. Drigotas of Auburn to accept the Majority Report and specially assigned for Monday, June 2.

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

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

Tabled — May 28, by Mr. Dam of Skowhegan.

Pending — Acceptance of the Committee Report.

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

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

Bill "An Act Creating Cumberland County Commissioner Districts and Decreasing the Annual Salary of Cumberland County Commissioners" (H. P. 252) (L. D. 322)

Tabled — May 28, by Mr. Hewes of Cape Elizabeth.

Pending — Adoption of Committee Amendment "A" (H-476)

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

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

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)

Tabled — May 28, by Mr. Morton of Farmington.

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 seventeenth tabled and today assigned matter:

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

Tabled — May 28, by Mr. Dow of West Gardiner.

Pending — Passage to be Engrossed.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: There are a lot of amendments that have come to my attention and I think we ought to have it on a day certain two days away.

Thereupon, on motion of Mr. Carter of Winslow, retabled pending passage to be engrossed and specially assigned for Monday, June 2.

The Chair laid before the House the eighteenth 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 28, by Mr. Birt of East Millinocket.

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

The SPEAKER: The Chair recognizes



the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to thank Mr. Birt for tabling this for me yesterday in my unexpected absence yesterday afternoon.

Very briefly, ladies and gentlemen, this bill would have the state establish a policy that spousal consent to voluntary sterilization would not be required. Presently, there is no law on this subject, only the present practice of many hospitals to require such consent.

This body indefinitely postponed this bill last week because the majority of you apparently felt that the state should not interfere in a marriage contract by enactment of this law. I hope that if you still feel this way, you will vote against my motion to reconsider this.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Kennebec, Mr. McMahon, that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative and 63 having voted in the negative, the motion did not prevail.

The Chair laid before the House the nineteenth 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 28, by Mrs. Berube of Lewiston.

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

Mrs. Berube of Lewiston requested permission to withdraw House Amendment "A" to Committee Amendment "A", which was granted.

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

House Amendment "C" to Committee Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: This amendment stipulates simply that the savings accrued from L. D. 1726 will not be diverted to other purposes other than AFDC and will be returned to the recipients on a monthly basis. It further mandates that the grants to the recipients will not be reduced with the savings.

Thereupon, House Amendment "C" to Committee Amendment "A" was adopted. House Amendment "A" as amended by House Amendment "C" thereto was adopted.

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

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

Bill "An Act Relating to Executive Sessions of Public Bodies or Agencies" (H. P. 722) (L. D. 899) — In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-286) May 19. — In 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.

Tabled — May 28, by Mr. Rolde of York.

Pending — Further Consideration. On motion of Mr. McMahon of Kennebunk, the House voted to recede and concur.

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

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-519) — Committee on Veterans and Retirement on Bill "An Act to Increase Accidental Death Benefits Paid to Firemen, Policemen, Wardens, and State Police" (H. P. 1456) (L. D. 1747)

Tabled — May 28, by Mr. Theriault of Rumford.

Pending — Acceptance of Either Report.

Mr. Theriault of Rumford moved that the House accept the Majority "Ought not to pass" Report.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: I would ask you all this afternoon to not accept the "Ought not to pass" Report and to give some serious consideration to the bill as it came out of committee with the Minority "Ought to pass" as amended with H-519.

What the amendment essentially does is it eliminates any cost to the state through the state retirement fund and makes the provisions in this particular amendment elective, or rather they have to be voted upon by the particular districts in the local municipalities.

What would occur is, the local fire fighters and law enforcement officers in their community, if they decided to go along with this change in the retirement law, and they were members of the State Retirement System, they would essentially get for their wife or any dependents, 100 percent of their current annual salary.

This bill was put in at the request of a constituent of mine who happens to be a fire fighter in the city of Portland. I put the bill in and the committee dutifully amended it to do what really should be done in order to meet a particular need that he has as a result of a personal circumstance that he was confronted with when he was in high school, and that was that his father was a fire fighter and one afternoon when his father was on the tail end of a fire truck, it was Ladder 4 in Portland, and they were going to a fire, that truck collided with Engine 3 at the corner of Brackett and Spring Street in Portland this gentleman died of an accidental death. The fire that they were going to happened to be a false alarm. It certainly was a very tragic situation, certainly one that no one would want to have to deal with. But the problem is that fire fighters as such are not in line for 100 percent disability or 100 percent of their current annual salary if they are killed in the line of duty.

I think that this bill is permissive, it is a good idea if they elect to do it on the local level, and I would hope that the House this afternoon would turn down the Majority Report and go with the Minority "Ought to pass" Report.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: It is true that this bill, if passed, would not cost the State Retirement or the General Fund anything, because it is supposed to be strictly funded by the district, in this case it would be Portland. But this, if passed, would apply to other firemen in other districts. The reason why we are against this is the fact that when a district comes into the Retirement System, it accepts the rules and regulations of the State Retirement System, and this would make it so that they could get something that no one else in the Retirement System could get.

This cost of this would have to be funded by the City of Portland, if the City of Portland would take it, and it would have to be voted on by the council. But the fact of the matter is, these extended benefits, these added benefits, there is a new bill that is coming up that hopes to do away with — so I hope you go along with the "ought not to pass" report.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the intent of the State Retirement System has been to keep the districts operating under their own rules and regulations as adopted locally. If we are going to get into the position of changing the local Retirement System, were is this going to lead to? Is the State Legislature going to pick up the tab for the changes and therefore force the local municipality into supporting any of this?

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. LaPointe of Portland 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 pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Bowie, Burns, Byers, Call, Carpenter, Carter, Churchill, Conners, Curtis, Drigotas, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gauthier, Gould, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Morton, Nadeau, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Quinn, Raymond, Rollins, Saunders, Shute, Snowe, Sprowl, Susi, Tarr, Teague, Theriault, Torrey, Twitchell, Tyndale, Walker, Webber.

NAY — Bachrach, Berube, Boudreau, Bustin, Chonko, Clark, Cooney, Cote, Cox,



Curran, P.; Dam, Davies, DeVane, Farley, Flanagan, Goodwin, K.; Gray, Greenlaw, Henderson, Hobbins, Hughes, Ingegneri, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, MacEachern, Mills, Mitchell, Morin, Mulkern, Najarian, Norris, Pelosi, Post, Powell, Rolde, Snow, Spencer, Stubbs, Talbot, Tierney, Tozier, Usher, Wagner, Wilfong, Winship.

ABSENT — Carey, Carroll, Connolly, Curran, R.; Doak, Dow, Faucher, Goodwin, H.; Hall, Hennessey, Hewes, Jacques, Jalbert, Jensen, Martin, R.; Peakes, Peterson, T.; Pierce, Rideout, Silverman, Smith, Strout, Truman.

Yes, 77; No, 49; Absent, 23.

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

Sent up for concurrence.

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

House Divided Report — Report "A" (5) "Ought to Pass" as amended by Committee Amendment "A" (H-515) — Report "B" (4) "Ought to Pass" as amended by Committee Amendment "B" (H-516) — Report "C" (3) "Ought Not to Pass" — 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)

Tabled — May 28, by Mr. Birt of East Millinocket.

Pending — Acceptance of Any Report.

On motion of Mr. Rolde of York, retabled pending acceptance of any Report and specially assigned for Monday, June 2.

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

House Divided Report — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-521) — Committee on Judiciary 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)

Tabled — May 28, by Mr. Rolde of York.

Pending — Acceptance of either Report.

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

Mr. TALBOT: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed and request a roll call.

The SPEAKER: The gentleman from Portland, Mr. Talbot, moves that Bill and all its accompanying papers be indefinitely postponed.

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 Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want to thank Mr. Palmer and I want to thank Mr. Rolde and the members of this House for at least having the people of Maine decide on this issue. There were several in this House who didn't even want

to hear the pros and cons on this issue, and I want to thank you all for the support that we got back then.

However, I am not prepared on this bill today, so I am going to take whatever information I have and try to tell the people of this legislature that the people of Maine want capital punishment for cop killers. WGAN-TV in Portland had a four to one on their public opinion poll, yes for capital punishment. We have received letters from all sections of this state right here, and I will be glad to let anybody look at them — hundreds of letters from people all over this state, towns I never even heard of that want capital punishment.

This country was founded on capital punishment. The West was settled on capital punishment, and the day that we restore capital punishment in Maine, it will be our finest hour. And I want those words to go back to the Guy Gannett Newspapers of this state.

To be sure, the last death penalty that was enacted in this state was 1887 — that is almost a hundred years ago, but today we are living in a devastating period compared to over a hundred years ago. Over 31 states in America today have enacted new death penalty laws and there are over 200 murderers, rapists, and kidnappers on death row today.

Although the Supreme Court, in 1972, did rule in the Constitution that the death penalty was unusual and cruel punishment, ruled it unconstitutional. However, this same high body of our land today, they also ruled that prayers in public schools was also unconstitutional, and I am sure there are many in this House who do not agree with that. Several times in the past week, men and ladies from all over this House Chamber got up and said about different things that the Supreme Court ruled and they didn't agree with them either, so I don't stand alone on that.

The last person that was executed in the United States was executed in the Colorado gas chamber on June 2, 1967. He had murdered his wife and 3 of his children and he deserved to die. There are other rapists and murderers and cop killers who are waiting on death row today for their judgment that will surely come.

The Supreme Court of our land is now taking under advisement that capital punishment be reinstated at the state level and new death penalty laws are springing up across our nation, and although on that judgment day of June 29, 1972 by a 5 to 4 vote, the Supreme Court did rule that the death penalty was unconstitutional. However, on March 4, 1975, the Justice Department contested that the death penalty is well rooted in our nation's legal tradition and therefore told the Supreme Court it could leave it up to the states to decide when capital punishment is appropriate.

The Justice Department brief stated, and I quote: "Capital punishment deters crime, removes social values such as the expression of moral outrage and incapacitates dangerous offenders." The brief went on to say that the legislatures elected by the people as their true representatives reflect the will of the people concerning capital punishment and it should be left up to each individual state, because state legislatures are closer to the people than the Supreme Court, who are not elected but are appointed.

On April 3, 1975, a 22-year-old man murdered two policemen and critically wounded a third in Mt. Holy, New Jersey. The crowd of onlookers were so shocked

and outraged that they demanded his blood on the spot, and I am holding up before you to show you what a cop killer looks like and there he is, and if any of you would like to read that, it is in black and white, it is nothing made up, it is what this man actually did in a matter of seconds. I would be glad to let any of you look at it.

Responsible American citizens were so horrified to see that law and order had been completely wiped out and two days later, a man of Christian faith said that it was unbelievable and unreal to his very own eyes that a 22-year-old man could wipe out the lives of two policemen and critically wound a third in a matter of seconds. He felt that this man did not deserve to live in our society today.

The onlookers were horrified and now they know the State of New Jersey needs capital punishment, however, they are not one of the states who have it under consideration. Some states have had enacted capital punishment laws for murderers, rapists, for cop killers and hijackers, but they have stated, and I want to quote this so you will all understand it very carefully: "By stating the facts of these 14 states out of 23 which have now enacted capital punishment laws, the Supreme Court in their ruling stated that it must be of a designated nature." Therefore, they themselves have left the door open for capital punishment laws to be enacted by the state legislatures.

The prime concern of one member of the Supreme Court who voted in the majority, stated that the death penalty is not used in sufficient frequency to serve justice but, Justice White ruled it unconstitutional in his brief as cruel and unusual in the rare case where it applied.

If the legislatures made this available only for a small class of offenders, selected with such great care that juries would impose it on a regular basis, even though they need not do so, the constitutional flaw arguable would be removed. This is one of the Supreme Courts who gave his brief in the majority ruling.

Justice Stewart's opinion aims at taking away from the judge and the jury most of the burden on deciding which criminal offender shall be punished by death and which shall not be. Therefore, he says, place it with the legislatures. To meet the standards, he established legislatures must mandate the circumstances in which the death penalty would be inflicted and distinct from those in which it shall not. Yet, in so acting, he goes on to state, legislatures still run the risk of being second guessed by the judiciary, either because their statutory rules are found unacceptable under a yet to be established amendment.

Justice Burnham and Justice Marshall and Justice Douglas all go about the same, and I have mentioned some of those for the simple reason that there is always two sides to every story, whether you agree with them or whether you don't. There were only two of the five majority opinions; Justice Burnham's and Justice Marshall's, and they reached the ultimate issue of whether capital punishment is, per se, cruel and unusual. Both decide that this issue against capital punishment for two reasons beyond those already discussed — and I want to mention both of these to you today. First of all, they felt that death would be of an uncivilized punishment degrading a human dignity. Although, only Brennan contended this is a sufficient reason to declare it violatable to the Eighth Amendment and secondly, each

felt capital punishment to be rejected by the society in which we live in, and I would disagree on both of those because I have facts and figures to substantiate that.

I want to give to you ladies and gentlemen a little statistics who feel that there are not a great many number of police officers killed in this country. In 1973, there was a total of 127 local, county and state law enforcement officers killed due to felonists, criminal actions in this country. During the 10-year period between 1964 and 1973, 858 officers were killed, murdered.

In 1973, 19 officers were killed while attempting arrests for crimes other than robbery or burglary; 27 officers were slain by persons they encountered during the commission of a robbery or during the pursuit of a robbery suspect and 56 officers were slain in ambush fashion. Thirty-one of these officers were entrapped and slain through premeditated actions; 25 officers were killed in unprovoked attacks which did not involve apparently any entrapment and 25 officers were slain while making a simple traffic stop for a ticket. Three of them were killed by mentally deranged persons and during a ten-year period between 1964 and 1973, 47 of the slain officers used their firearms when confronted with an assailant; 34 of these officers fired their service firearms while attempting to protect themselves and 96 of the 127 officers killed were killed within 10 feet of their assailant.

To be sure, we have not had a policeman killed in the State of Maine for several years; however, the 1973 statistics, which I will read to you from the FBI report, show high and aggravated crimes on assaults on police officers in the line of duty.

In 1973, just one year, there were 62,300 assaults on police officers which were committed in this country and that is the rate of 15 per 100 officers, double to what it was the year before, and I feel that if one police officer's life can be saved, this legislation would certainly be worth its merits.

We had a situation in Maine a short while ago where two people came up here from Massachusetts and killed their buddy and dumped his body on the highway and it is costing the State of Maine \$230,000 to \$235,000 for justice to take its course. If they are lucky, they will be free in 8 to 10 years.

I would now like to read something that is very sad. I was going to omit it, but I thought that I would read it. This is a true story that was told before the White House Congressional Committee on Capital Punishment and it starts by a Mrs. Gibson and I quote: "On the night of November 14, 1974, Mrs. Gibson was working, as usual, as a clerk in a store, a neighborhood store. About ten-thirty, a young buck came in, presented a \$5 bill and asked her for cigarettes. When she started to make change, the man knocked her down, leaped on her, attacked her and brutally beat this woman. A policeman happened to come by and he fired a shot and only wounded the policeman. He got \$111 in this holdup. Mrs. Gibson was injured so badly that more than half of her stomach had to be removed by surgeons, a frail woman of 56, stands only five feet tall, weighing about 76 pounds, this woman took all her money for her hospital bills, all that she had possessed, and 22 months later she died.

"However, this man, Mr. Taylor, is now in a penitentiary in the McAllister Penitentiary, where he will be fed, clothed by the taxpayers at a cost of \$3,600 a year

until he will be paroled in about 8 to 10 years." Justice and equality certainly didn't take its course in that case.

Sometimes, once in a while, people in this House quote famous people and I would like to quote something that Benjamin Franklin said after looking all this stuff over and he said: "Those who would give up essential liberties to purchase a little temporary safety deserve neither liberty nor safety." It really comes down to an obvious reversal of the once accurate phrase "crime does not pay." Unfortunately, it does pay. If our system of criminal justice is to be effective, it must return to the fundamental principles on which it was based; namely, the deterrent effect on crime; hence, in its punishment. Crime will only decrease when it becomes more dangerous to be a criminal than to be the victim.

I received many letters from people over this state and I took a few of them out. I thought that some might be interesting, some, of course, would not be interesting to you. This is from a school teacher, a school principal, in Waldoboro, Maine, where ever that is, Waterboro, Maine, and it says, "Congratulations on giving citizens a chance to have a voice concerning this vital issue. It is rather obvious that society must have the machinery to protect itself from those who would endanger others. If we had no deterrents, as some would suggest, we would have neither orderliness nor safety. Capital punishment and stiff prison sentences fairly and quickly administered without long delays of legal delays would help to restore some confidence in our penal system.

"Those people who are law abiding and who pay the taxes to support this system should know that the guilty will be dealt with fairly, firmly, and effectively. Rehabilitation is a great concept and a worthy object, but we cannot expect 100 percent cure in the penal system anymore than we can expect perfection in medicine, education or any other endeavor."

I read part of that letter because I thought that it had a lot of meaning to it. I picked a few of them and I am not going to tie you up too long, but some of them have a real effect if you read them over. This is from a school teacher, she retired in 1967 after 41 years of teaching. She goes on to tell me about education, that I know nothing about, so I will overlook that, but then she goes on to say that it is time to teach pupils responsibility. Too long freedom has meant nothing to those who did nothing to live free. I am pleased to see that capital punishment may go on our books again. With crime increasing in Maine cities and outlying areas, we need capital punishment on the books, and this is from Gray, Maine and if anyone would like to read that letter from that school teacher, I also have that available.

I have several other letters here from people of all walks of life. I have one from a 73-year-old woman and she says, "I am very disappointed with your bill, Mr. Laffin, because it does not include hijacking of airplanes." She said, "These murderers should be included too," and this is from a 75-year-old woman and I have that here. I just don't know where that is from, I laid that aside, she is from Maine, anyway.

This one is from Augusta and she has talked to many people about capital punishment and she could give me 100 signatures if I needed them. Well, I don't think this legislature would listen to 100 signatures. In ways we try to do things we

think, well, at least we are going to try to do this thing right. We are going to try to tell the people of Maine that we as individuals, this legislature, means business when we want protection for our law enforcement officers.

This is a letter that I got in favor, I am sure, of some of you, "long live cop killers and rapists, women don't deserve to live." That was a real intelligent one.

I have this one here and she tells me all about the Bible and I am sure she is a very sincere person in telling me about "Thou shall not kill." At the bottom of it, someone apparently, because it is different handwriting, wrote, "We should have a state holiday for another day off for cop killers." Real intelligent.

I received this letter and I would like to read this to you before I go on any further. I wrote this letter to Mr. Clarence Kelley of the FBI and he writes: "Dear Mr. Laffin: The crime statistics you requested in your letter of April 16, 1975 are being prepared by the Uniform Crime Reporting Section of the FBI. As soon as they are available, they will be forwarded to you," and they did come. In this little letter, he just wrote to say that enclosed was this: Crime statistics of 1973; murder, 19,500; armed robbery, 252,200; forcible rape, 51,000; aggravated assault, 416,270; assault on police officers, out of 108,000,532 in this country, the number of assaults on police officers were only 32,535, which means it is 15 to every 100; number of officers assaulted sustaining injuries as the result of an assault, only 12,880. Now, they give for the violent crimes which they list as murder, forcible rape, robbery and aggravated assault. The Uniform Crime Reporting Statistics for 1974 has not yet been finalized; however, it is estimated that 1974, compared to 1973, the total crimes index increased 18 percent and violent crimes increased 17 percent. Those aren't my figures, those are from Washington.

I have written to several states that have capital punishment laws. As I say, I am not prepared on this because I did not receive several of the letters that I had expected to receive, but I do want to read you one from the Attorney General of Oklahoma. It says: "Dear Representative, Laffin: We are in receipt of your letter wherein you required the opinion of this office concerning the deterrent effect of capital punishment. We have consistently maintained that the imposition of the death penalty is a deterrent to violent crime in the State of Oklahoma. We have based that opinion to some extent on statements made by persons convicted of capital offenses wherein those persons expressed certain of their ideas containing the death penalty.

"During the period of time after Furman, that is Georgia vs. Furman in the Supreme Court, which gave their ruling on this, and before the reenactment of the death penalty in Oklahoma, an incident occurred in New York that reflects what we think is an excellent example of the deterrent effect of the death penalty. A bank robber, while holding a number of hostages, shouted to police officers who were seeking his surrender that he could kill all of them hostages and not suffer any greater penalty than he would for the crime of armed robbery." Couldn't get any more, couldn't get any less. Quite fortunately, he did not take the lives of the hostages but his statement is indicative of the fact of many of the penalties and consequences of their acts. Consider this in

the commission of an armed robbery, everything being equal, why would not the robber kill his victims so to thrust his later identification and conviction.

I also invite your attention to the recent study of Professor Isaac Erlich of the University of Chicago, concerning the deterrent effect of capital punishment and that is one of the letters that I was waiting for and I have not received it yet. Dr. Erlich's study concludes that each instance of the imposition of capital punishment could have prevented eight homicides. I am sure I have stated Dr. Erlich's thesis quite implicitly but I have discovered that the study will soon be published in the American Economics Review of Brown University in the June issue of that magazine. It is signed by the Attorney General of the State of Oklahoma, Michael Catherton. I am not saying it deters crime; this man right here who deals with it day in and day out is saying it.

Being unprepared for some of the things that I wanted to bring up to you people today, I find myself at a disadvantage on many of the issues that I wanted to talk to you about. However, first of all, and I didn't realize I needed glasses, but I sure do, I can't even read this. No, I don't need glasses.

I stand before you today, in all sincerity, that if we could save one police officers life in this state, this law would be great.

I would hate to wake up some morning and read that stupid Portland paper and see in the headlines that an officer of the law was killed in the line of duty because I would always wonder, would this bill have saved his life? It is something that we will have to live with. Would it have saved his life?

I take this bill like being a lighthouse, we will never know how many ships go by the lighthouse at night because nothing ever happens, but take the lighthouse away and the ship could go down. If we put capital punishment on our books, we don't want anyone killed and it could save someone's life, we will never know, but it would be certainly worth its merits.

There are those in this House who are very religious people and for that I certainly respect you, but you were not elected by your church to come here, you were elected by the people of the state to fulfill the laws for the betterment of the people of this state. We have a separation of church and state.

Let's take the case about this man who murdered Senator Kennedy. Seventeen years from the day he killed him, he is going to be free, walking the streets. I say to you ladies and gentlemen of this House, we need this bill and we need it bad to let the people of this state know that we do support, that we are willing to even take a little criticism like a couple of them stupid letters I got. They don't mean anything if we could save someone's life, and we can. If this bill is defeated today, somewhere along the line it will come back. I won't be here but someone else will. In the times that we are living in, if none of you people have had a gun put to your head and feel the cold butt of that gun I am glad because I wouldn't want that to happen to anybody. If you have never been shot, I am glad because I wouldn't want that to happen to anybody. When a policeman risks his life every day right here in this county a few weeks ago a man, a deputy guard, a sheriff could have lost his life, and we are thankful that he didn't but he could have.

I have so many friends in this House — I

get all kinds of letters from everybody, some are signed and some are not. Some of the people that I asked to support this, which I feel very strongly about said, gee, I would vote for anything you wanted but this bill. That was awful nice of them because I will never ask for anything else but I did ask for this.

There are several things that I have left out, as I said, I am not prepared on this because I have several things that I wanted to bring to your attention. I wish you would stop sending me notes up back.

We ran a little ad in the Portland paper, in the State of Maine papers around the state and we received roughly 1,800 to 1,900 — we haven't counted them all, no I am not going to read them all, and they are signed by people who have a very strong conviction about capital punishment. Some day this state is going to have capital punishment again. Some day something is going to happen to a person who has a lot more influence than I would ever have. It is going to be the law of this land and the states that have reenacted it; I certainly hope and I want to thank all the friends for my notes.

Being unprepared I can't tell you at this time how I was going to close it, but I would like to have just a couple of things brought to your attention. One is that crime is on the up, murder is up, cop killers are up, and rape is sky-high. I urge you people to consider this very seriously. We need this as a basis to start our goal.

I urge you not to indefinitely postpone this bill. I want to thank you ladies and gentlemen for your kind attention.

Mr. Davies of Orono moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and obviously more than one third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained. The question now before the House is, shall the main question be put now? This question is debatable with a time limit of five minutes by any one member.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Judiciary Committee I told the sponsor of this bill, I would, if no one else would sign a minority report on this bill that it have some discussion. As much as I disagree with him on the merits it seems to me that there ought to be at least some discussion to reaffirm to the people of this state, who I think in many respects, agree with the principle in this bill, to have some assertion as to why this is not an appropriate thing. This legislature to allow a person to speak on it, to cut off debate, and then to vote summarily I think, is not to give a fair hearing to this very important issue.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Although I haven't been in my seat, I have been up back and I know there are two cosponsors of this bill and I think Mr. Henderson has raised a valid point, there may be others

that would like to speak. I have never voted for the previous question, and although I don't enjoy sitting here for an hour or two hours, nevertheless, I think others may want to participate in debate and I would respectfully ask the gentleman if he would remove it. I don't think I can do that. I simply think that the House should not move the question at this time.

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

Mr. CALL: Mr. Speaker and Members of the House: Despite the fact that I feel most authoritatively that my good friend from Westbrook, Mr. Laffin, hasn't left much for anybody to say, he said it all, I feel that the question should not be taken at this time and that the rest of us should be able to speak. I plan to speak briefly. It has got to be briefly because Mr. Laffin said some of the thing that I planned to say. I am not going to leave them out because then my talk would be too brief. Again, I ask you to go against bringing the question now. We should all have a chance to say something.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would hope that we didn't move the previous question now because as a cosponsor I have a few remarks that I would like to make also. As I look at the Speaker up there with his Cheshire cat grin, I get to laughing also but I think, seriously, this is a serious matter and it should be debated and there are others, that I am sure, that want to speak against the bill and they should be heard also. I think also that the people in the State of Maine when they send us down here, they don't send us down here to look at the clock and decide that you have got something else better to do, and you jump up and you move the previous question. I don't think that is representing the people of the State of Maine when you take this action. I think that to move the previous question shows a lot of irresponsibility on the part of anyone and I would hope that everyone would have a chance to speak on the bill that is before us. As far as it goes I am sure that the Speaker could, under the suspension of the rules or whatever he wants to use as a technique, he could have the barricade taken down so if anyone doesn't want to sit here they can go wander out in the hall, but I would hope that we did not move the previous question. I think this does not show courtesy to any member of the House when this motion is made.

The SPEAKER: The gentleman will refrain from imposing his desires on the motives of any other member of this body.

The question now before the House is, shall the main question be put now? This question is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now? All those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken. 12 having voted in the affirmative, 86 having voted in the negative, the main question was not ordered.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Unlike Mr. Laffin, I am prepared, but I won't take as long. I do want to make some comments on this. I think that the problem of rising crime is a serious one. The problem of aggravated assaults, the killing of



policemen, the killing of anybody is a problem. The question is, what is the solution and is this the proper way of going about dealing with this question? It seems to me that the question boils down to two general areas. The question of the morality of it and the question of the practicality. Sometimes those things are very closely linked.

As far as the morality is concerned, it seems there has also been some sort of a crossing of what the intention is. The argument has been made about deterrent, but on the other hand, we have talked about people who deserve to be killed if they are a cop killer, if they assault on a person or something like that. That is basic vengeance, there is not question about that, it is revenge. If that is the kind of situation that we want to put ourselves in, then I think we really have to reassess where we have come in the last several hundred years.

In addition, as far as the moral question, I want to get off it but I just want to mention it briefly, it seems to me that by institutionalizing the killing of other human beings in this society, we unnecessarily and I repeat the word unnecessarily brutalize our own value system putting ourselves in a position that we don't have to be put in, number one, and number two does us really no good and I think it raises some questions about what we are really all about. I am really more concerned about the practicality of it, the question of whether this really does provide a deterrent. Because if it were true, that a few executions here and there would, in fact, save lives than I think I might have to reassess my own consideration here. I think the record does not show that. For instance, the last police officer to be killed in Maine was 15 years ago. It was a long time ago and we haven't had a death penalty in that period and there hasn't been any rash of increases in our particular state.

I would like to call your attention to a couple of graphs that I had made up looking through the uniform crime reports, and try to get a picture of just what has been happening and if you look at, if you would, one at which at the top is labeled murder and non-negligent manslaughter of 100,000 population. That is how many people got murdered, basically, in this country for the last 15 years. You will see the U.S. National average is, no question about it, it is on the way up. It has been on the way up since 1963 and it has been pretty steady in that direction. When we make a comparison between the states, which have recently inflicted capital punishment, the ones that have done it the most per capita of their own population is Georgia, Mississippi and Florida, found that their murder rate is much higher and is increasingly higher. That capital punishment didn't seem to make any difference. If we look at the nine states referred to in this decision as states which have historically not had the death penalty, we find that on the average and I think only one state, Alaska, was really above the national norm in this. On the average they are below the average as far as murder rate is concerned and the State of Maine is even below that. The State of Maine and the State of Iowa, both of which do not have the death penalty, are among the lowest in the nation as far as murders are concerned.

If you look at the other chart, which has three separate graphs on it, if you find it of interest to do that, comparing Georgia,

Mississippi and Florida, this little like B indicates the number of executions and their decline over the last 15 years or so, dozen years and line A in each one looks at the murder rate. In each of those states which has had the highest number of executions per capita but, basically, tapered off and finally were outlawed by the Supreme Court, in each of those cases, the murder rate has not changed substantially, there hasn't been any difference. It has been basically the same. It seems to me, that on the basis of the evidence, we can't say that the death penalty, in fact, reduces murders.

On some other points of practicality, one of the questions was raised protecting our police. I think I could argue that the requirement for the death penalty in this range of cases actually increases the risk to police. You have this person, that the gentleman referred to earlier, that is holed up somewhere, say he has murdered somebody, that changes the scenario a little bit and has some hostages, in that case, the only incentive he has is to get out of there with his life in some way because he knows if he gets caught he is going to be killed. The only incentive he has is to kill everything in his way to get out. If he is not going to be killed, he is going to have life imprisonment, some long stretch, it is going to be easier to capture that guy. If he is going to be killed, he is going to fight like mad and that means, it seems to me, that the police officer is going to be put in more danger. In addition, in prisons, if people are put in there waiting execution they have only one alternative but to try to get out and they are going to have much more of an incentive to try to kill prison guards in order to escape than with the person who is doing life, so called, which means a long number of years but not forever. It is, basically irrational and there are people who are that and this death penalty, therefore, wouldn't deter them because they are irrational anyway, it would make sense for them to kill to get out because it would only compound the sentence that they are already under. So, it seems to me, in contrast, this thing number one does not deter murder, number two, it increases the risk to the police department.

One final comment and that is on an editorial that I distributed the other day, something that when brought to its logical conclusion is not something we like to think about very much but Russell Baker in his commentary said if we take the concept of capital punishment to its conclusion as a deterrent that it ought to be out in public where everybody can see it, like in the good old days of hangings out west. That, I think, for one thing violates our sensibility right away. In addition if we talk about cruelty, we could suggest some other kinds of maiming of a person instead of their total death for some other kinds of crimes. If you injure somebody severely, maybe you ought to have your hand cut off or your eye put out, but that is obviously disgusting. I don't think we even want to hear that, I don't even think you want me to talk about it. That is so terrible, yet, we are willing to put someone, maybe — some people may be willing — to put some people away in a closed closet somewhere and kill them, execute them. Whether this is less cruel and more deterrent is something that hasn't convinced me.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I have a few

remarks I would like to make but, first of all, I would like to get a ruling from the Chair.

I would like to find out whether this amendment is germane to the bill.

The SPEAKER: The Chair would advise the gentleman if an amendment comes out of committee, then it is assumed to be germane since the committee has dealt with it.

Mr. TALBOT: Well, what I'm trying to say, Mr. Speaker, unless we have an extra elective Chair hanging around unless this bill is passed, we are going to have to purchase one which means this bill should have a fiscal note on it. Am I correct?

The SPEAKER: The Chair would advise the gentleman if that should be the case, the fiscal not only would be required but would have to be added at second reading.

Mr. TALBOT: I will wait until second reading. May I continue?

The SPEAKER: The gentleman may proceed.

Mr. TALBOT: I would like to address this particular amendment, first of all, that deals with killing a police officer while committing a felony. It doesn't deal, I don't think, with killing a policeman while committing a misdemeanor. It also doesn't deal with a bank guard, it doesn't deal with guards, policemen that say we have out in our yards, it doesn't deal with that kind of thing, it only deals as this is, with prison guards, sheriffs, deputy sheriffs, constables, city marshals and deputies. Now, it doesn't deal with where this is going to take place, it doesn't deal with who is going to hold or pull the switch unless its going to be the gentleman from Westbrook, Mr. Laffin. I don't know whether the Governor has the power to commute a man's death sentence to a life sentence. I don't know that. I don't know if the Governor does have that power. There are all kinds of things that are wrong with this particular bill. It comes up almost as many times as the gun bill does.

I think Mr. Laffin pointed to the fact of all these violent crimes taking place in other states. I think we can thank our lucky stars that that doesn't take place in the State of Maine. We haven't had a policeman killed here in the last 15 years and I don't think we are going to have. I would hope not. If the Supreme Court does, in fact, rule that capital punishment should be continued, there could be within the sight of a year or two years, 50 to 100 executions in this country. I ask you just give that a little bit of thought. How would that look for this country to execute inside of one or two years, 50 or 60 young people.

I checked the graph that the gentleman from Bangor, Mr. Henderson passed out. It doesn't include the state of North Carolina and the state of North Carolina is the place where Jesse Fowler is housed in Cell Block F, his is the case that is going to be heard by the Supreme Court. That opinion should be coming down sometime the first part of June. North Carolina had, for years, one of the harshest capital punishment laws in the country, yet it was no deterrent at all. They have something like 67 people on death row now. It is not a deterrent and it is not a rehabilitation because those, as you know, who sit in that electric chair are dead. They die. I wonder how many of you know how that works. Let me give you an example. Somebody is led from their cell block into a small building or wherever the electric chair is at, they are led there sat and strapped into an electric chair, and then the sheriff or somebody who has that authority goes over to a switch on the wall and pulls that switch but the person who is



sitting in that electric chair does not die immediately. They first have convulsions, then they lose all control of their bladder, then they lose consciousness, and then they die. It's not a pleasant thing and it's not just like that, and I don't know how many of you have ever been before a jury, but if you pass this bill, what you're actually saying is, that the verdict coming down from that jury is absolute, beyond the shadow of a doubt. I don't know how many of you have ever been in front of a jury. I have, and there is always a question of a doubt.

I can remember going in front of a jury probably about five years ago, not related to crime, now don't get me wrong and the people that were on the stand, who were testifying against me in a housing matter were lying through their teeth and I went to the lawyer who was representing me, who, at that time, was representing the state. I said, they are lying through their teeth. Now, this is the first jury trial that I had ever been in front of. I said they are lying through their teeth and they have taken the oath to tell the truth and that lawyer who was a state attorney told me at that time, said "I know that" "the thing is, you've got to prove they are lying."

So what we are saying is if we pass this bill, like I said before, that we are saying that that jury is absolutely beyond a doubt, that man or that woman is guilty and I don't think we can do that, I don't think we can afford to do that. There are about approximately, give or take, one or two people, 207 people on death row in this country and there are only two women on death row in this country at the present time and one is black and one is Indian. I don't think we have the right to take anybody's life. I have made my views plain on this floor insofar as abortion is concerned, that same thing holds true on the other end of the spectrum when it comes to taking somebody's life. I don't think we can afford to do it and don't think I haven't gone over this in my mind, I have. I have read some of the very, very shocking stories that have sometimes been speculated by the gentleman from Westbrook, Mr. Laffin.

I read a couple of days ago, where a young man raped two women and burned them alive, one died and the other lived to tell about it. They amputated both legs, they amputated both arms, they amputated both ears and one eye. Now to me that is a horrible, horrible crime and I've said to myself and I've gone over it in my mind "what if that happened to one of my kids, how would I feel about the death penalty" and I've come to the realization that me, with my faculties cannot, cannot at any point take somebody's life, but under that kind of a condition, happening to one of my children or to one of your children, I don't know what I would do. I don't know how I would feel, I would go right out of my skull, but me with my faculties, I cannot see how we have the right to take somebody's life. That is, as the gentleman from Bangor, Mr. Henderson said, is pure vengeance and criminal law today or in our society today, there is no place for vengeance.

Two weeks ago, we dealt with a bill concerning the, you might say, the execution of stray dogs and cats and the Committee on Agriculture reduced that from 10 days to five days and don't think I'm wrong but the state was upset because the Committee amended that to seven days and then the chairman of the committee with all due respect to him, got

up and said he would kill that bill and then leave it at ten days. We're doing that for animals, you know, cats and dogs, what about human beings? Why can't we think about that? We don't need this law here, it will be back next session, it was here the last session, it will be back next session almost as bad as the gun bill? But I can truly say we do not need this piece of legislation. I stayed over specifically so I could say a few words on this bill, I don't know if I'm going to sway anybody one way or the other. I've got to be back to work, I've got to go to work tonight but this piece of legislation to me is very important and it should be very important to this body. We are talking about life and we're talking about death once we put somebody in that chair, we can't say to ourselves well, we'll give them time to make up, or we'll give them time to go over it again or to correct their mistakes. I would sincerely hope that we spend no more time on this particular piece of legislation and that you do support the indefinite postponement.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I know the hour is late so this time I am going to be very brief. I think the good gentleman from Westbrook, Mr. Laffin, did an excellent job of presenting his testimony to you even though several times he said he wasn't prepared and several times, there was a little laughter and a little giggling because the notes I know how the notes had come to him as they have come to me in the past when I had my newspaper bill as well as I have some today on this bill, but I, too, have received many letters. I don't intend to read them, when I say many, I say over 160 letters. Only one letter was against this bill and that letter said, and I use my last name to start off with "you, you should be shot". That was the whole text of the letter, that's the only letter I got against the whole bill. Personally I think this is a good bill. If I had not thought so, I would not have co-sponsored the bill. I think that if we did reinstitute the death penalty in Maine, it would be a deterrent to crime, I also strongly believe that if the people of the State of Maine had their way and had any chance to vote on a referendum on this bill, we would just see how the people of the State of Maine feel because I think this would receive one of the greatest votes in the favor of the passage of any bill that has ever gone to the people.

Now, as far as not having the right to put someone to death as the good Representative from Portland says, he questions the right, well I think right in the good book if I remember back to my old Sunday school days, it says "an eye for an eye and a tooth for a tooth" and so I strongly believe in that, and I strongly believe that when a person goes out and kills a person or a cop or anybody for that matter, if we could go that far with the bill, that that person deserves to die. Now, the good Representative from Portland says its not a pleasant thing for a murderer to die, well, I ask you people today, "is it a pleasant thing for some rotten cop killer or rotten murderer, or rotten rapist to come up and kill a human being at all, is it pleasant for that human being to die?" I say that when that human being is dead, so too, should the person committing the crime die but whether this bill receives any passage or not, I think I've gained something out of this bill today. I hope that a lot of you people have gained the something so that when the gun control

laws come back, we will know that we don't have any bad crime in Maine; we don't have any violent crimes in Maine so then I ask you to ask yourself what is the motive behind the gun law if we don't have the crime?

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I have a few short remarks and I would agree with Mr. Dam that the gentleman from Westbrook, Mr. Laffin was indeed very well prepared and I respect him for how very deeply he feels about this and I know that there are very many people who agree with him and I am sure that we all respect those views and I know that I and I think that all of us share much of the emotion with which they are held. No one cannot feel the deep hatred or whatever that would apply to those who would murder, but there are arguments against the death penalty and many of them have been given to you this evening which are truly compelling to me, and I have listed them very briefly.

I think you all know, just as a practical matter, that we cannot exclude a citizen from a jury in a capital case because they are opposed to the death penalty. The simple fact that results is that a person accused of a capital crime, instead of being convicted, is going to be set free because that one person does not believe in capital punishment and the law is so written that there is no alternative but to impose the death penalty or not to impose the death penalty.

Then we have the problem, and I can assure you it is well supported, that many of the worst and most dangerous criminals are rarely the ones that are executed. The death penalty is applied randomly at best and discriminatorily at worst. It violates the constitutional guarantee of the Equal Protection Laws because it is imposed almost exclusively against racial minorities, against the poor, against the uneducated. Persons who are victims of overt discrimination in a sentencing process or who are unable to afford expert and dedicated legal counsel, very real and provable points. The death penalty is arbitrarily applied and we all know that this is one of the key points in the Ferman decision and it will be one of the key arguments in the case that is now pending before the Supreme Court on the death penalty. Now, even if we can write laws that are not arbitrary with regard to the death penalty and that is a debatable subject in itself, but let's say that we could write laws that are not arbitrary, I think we all know that the process of criminal justice and the people in that process are always arbitrary from the moment of arrest to the entire prosecuting process. It is an arbitrary process and there is no way to get around the human element in that process. Now, Mr. Laffin pointed out how the death penalty has been a part of our history and no one can deny the violence, the death penalties used in our history but I would take a little different view of that history and where we are today. It seems to me that the death penalty is a relic of a different past, of a less civilized past, I would say. I would say it's simply not in the spirit of high, human principles and goals and, if you will, dreams of our country. It is a criminal penalty beyond our needs and, in my view, beyond the province of fallible men, simply the death penalty is an idea whose time has gone.

The SPEAKER: The Chair recognizes

the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I support this bill wholeheartedly. In 1964, I served on a murder jury for State Trooper Black, who was killed in performance of duty, in a bank robbery at South Berwick. The gentleman or criminal who willfully shot him, Trooper Black had three small children, and I think, at that time, the take-home pay for a state police officer was somewhere around \$110 a week.

The last man that was executed in the State of Maine in regards to Rep. Henderson, was the gentleman by the name of Wagner, and he was hung for a murder committed, or two murders committed, a hatchet axe murders, chopped up two women at the Isles of Shoals in Kittery, Maine. I say that any criminal willfully, and I could go on about this fellow who killed the Trooper but I am not going to, it's too gory for his background, he is an escapee from New Jersey prisons, but I think any person who willfully, knowingly, when they go out to commit a crime, they have a weapon with them, and they kill a police officer, the state would be better off, the country would be better off to have them die in an electric chair.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that the fundamental point hasn't been mentioned at all here. All criminologists or at least practically all I've ever read about say that deterrence is due to certainty and immediacy of punishment and not due to severity of punishment.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I am co-sponsor of this bill, one of the co-sponsors, and I would like to give you a little side of the policeman's point of view. It has been said that a policeman should marry a prostitute because they have practically the same temperament and they keep the same hours. There are six of us here in this House who are no longer in law enforcement and there is one who is active but he isn't in the House here and I want to tell you, if you have ever gone to answer a complaint when a guy in a home has a wife and five kids huddled in a corner and him with a double-barreled shotgun fully loaded, you'd wish you were back at the Senior Prom with your best girlfriend. It isn't any fun to answer all those complaints and you're on duty 24 hours a day and you have to go. You don't have a Committee of Conference to ask what you should do, you have to make split decisions right at that moment and when you do, if you're wrong, you can be hanged. There's no question about that and I want to say that the only thing wrong about this bill, is that I don't think it's going to pass in this House, and I will say another thing in closing, sometime and once in a while, won't you give a little thought to a policeman?

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

Mr. CALL: Mr. Speaker and Members of the House: There is no question whatsoever that something has to be done to attempt to discourage the taking of human lives. Other states have faced the same problem and they have been enacting capital punishment legislation. Until recent years, at least one year would

pass before there would be the killing of a human being, sometimes, many years. Now we have several killings in the course of one year. We are having many shootings, not always fatal and physical assaults.

Recently, a deputy sheriff was shot and wounded in Androscoggin County by a jail escapee. Not long afterward, as Mr. Laffin told you, a deputy sheriff here in Kennebec County in Augusta was badly beaten by an escaping prisoner. If we do not do something in the field of deterrent action now, we will regret it because, as things are now, the killings, rapes and other physical assaults will not diminish. To the contrary, they shall increase with leaps and bounds.

I ask this House to defeat the motion for indefinite postponement and to pass this bill and Mr. Speaker when the vote is taken, I request the ayes and nays.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: As a former law enforcement officer, I'm very glad that a felon did not have death on his mind when I went to arrest to him. I submit to you that the attacks mentioned by Mr. Call were not made until after this legislation was introduced. I cannot see this state and particularly the State of Maine reducing itself to the level of a murderer.

I therefore wholeheartedly concur with the indefinite postponement of Mr. Talbot.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I would just add one thing. For those of you who are wondering what the alternative is to capital punishment as a deterrent, under present law in Maine, of course, murder one is punishable by life and that usually means that a prisoner is deemed to be eligible for parole after 12 years. Under the new criminal code, however, which comes out next week, the parole board and parole is abolished for prisoners. Judges will sentence people to definite terms. That is, if a crime is so bad in the eyes of the judge, the prisoner can be sentenced to a 30-year prison sentence and they can be expected to serve that 30-year sentence. A minimum sentence for murder one, under the new criminal code, will be 20 years. So I think you have a good alternative.

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

Mr. Leonard of Woolwich wishes to pair with the gentleman from Portland, Mr. Jensen. If the gentleman from Portland were present, he would be voting yes, and if the gentleman from Woolwich, Mr. Leonard were voting, he would be voting nay.

#### ROLL CALL

YEA — Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Bowie, Burns, Bustin, Byers, Carpenter, Chonko, Churchill, Clark, Cooney, Cote, Cox, Curran, P.; Davies, DeVane, Drigotas, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, K.; Greenlaw, Henderson, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jalbert, Joyce, Kany, Kelleher, Kennedy, LaPointe, Laverty, LeBlanc, Lewin, Lewis, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty,

Miskavage, Mitchell, Morton, Mulhern, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Peterson, T.; Post, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Susi, Talbot, Tarr, Theriault, Tierney, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Albert, Ault, Birt, Call, Carter, Connors, Curtis, Dam, Dudley, Dyer, Garsoe, Gould, Gray, Higgins, Hinds, Immonen, Kauffman, Kelley, Laffin, Littlefield, Lizotte, Lovell, MacEachern, McMahon, Mills, Morin, Perkins, T.; Peterson, P.; Rideout, Rollins, Strout, Stubbs, Teague, Torrey, Tozier, Walker, Webber.

ABSENT — Bachrach, Boudreau, Carey, Carroll, Connolly, Curran, R.; Doak, Dow, Faucher, Goodwin, H.; Hall, Hennessy, Hewes, Jacques, Jensen, Leonard, McKernan, Peakes, Pierce, Smith, Truman.

PAIRED — Jensen, Leonard.

Yes, 92; No, 37; Absent 19; Paired, 2.

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

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

Mr. TALBOT: Mr. Speaker, having voted on the prevailing side, I now move that this body reconsider its action whereby this Bill was indefinitely postponed and hope you vote against me.

The SPEAKER: The gentleman from Portland, Mr. Talbot, moves that the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

#### (Off Record Remarks)

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

From the Senate:

The following Communication:

THE SENATE OF MAINE

AUGUSTA

May 29, 1975

Honorable Edwin H. Pert

Clerk of the House

107th Legislature

Augusta, Maine

Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it accepted the Minority Ought Not to Pass report on Bill, "An Act Concerning the Required Height of Motorcycle Handlebars" (H. P. 900) (L. D. 1087).

The Senate also voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act Relating to Services Provided by Private Clubs under the Liquor Laws" (H. P. 793) (L. D. 966).

Respectfully,

Signed:

HARRY N. STARBRANCH

Secretary of the Senate.

The Communication was read and ordered placed on file.

From the Senate: The following Communication:

THE SENATE OF MAINE

AUGUSTA

May 28, 1975

Honorable Edwin H. Pert

Clerk of the House  
107th Legislature  
Augusta, Maine

Dear Mr. Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands" (H. P. 965) (L. D. 1209):

Senators:

CURTIS of Penobscot  
WYMAN of Washington  
GRAHAM of Cumberland

Respectfully,

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Communication:

THE SENATE OF MAINE  
AUGUSTA

May 28, 1975

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

Dear Mr. Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Allow Payment of Unemployment Compensation Benefits During Labor Disputes Caused by Failure of the Employer to Correct Hazardous Working Conditions" (H. P. 825) (L. D. 1008):

Senators:

ROBERTS of York  
McNALLY of Hancock  
DANTON of York

The President also appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registration" (H. P. 752) (L. D. 927):

Senators:

BERRY of Cumberland  
JACKSON of Cumberland  
CYR of Aroostook

Respectfully,

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act to Provide for Citizen Gardens on Suitable State Land." (H. P. 1294) (L. D. 1574) which was passed to be enacted in the House on May 28.

Came from the Senate having failed of enactment.

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

Bill "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs." (H. P. 1491) (L. D. 1739) which was Indefinitely Postponed in the House on May 19.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-206) in non-concurrence.

In the House: On motion of Mr. Rolde of York, tabled pending further

consideration and specially assigned for Monday, June 2.

Bill "An Act Relating to the Sale of Crawfish" (S. P. 104) (L. D. 359) on which the Majority "Ought Not to Pass" report of the Committee on Marine Resources was read and accepted in the House on May 27.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-219) in non-concurrence.

In the House: On motion of Mrs. Post of Owls Head, the House voted to adhere.

The following Communication:  
STATE OF MAINE  
ONE HUNDRED AND SEVENTH  
LEGISLATURE  
COMMITTEE ON HUMAN RESOURCES  
May 29, 1975

Honorable John L. Martin  
Speaker of the House  
State House  
Augusta, Maine 04330

Dear Sir:

The Committee on Human Resources is pleased to report the completion of that business of the 107th Legislature that was placed before this committee.

Total Number of Bills Received	23
Ought to Pass in New Draft	3
Ought Not to Pass	1
Ought to Pass as Amended	5
Ought to Pass	2
Divided	5
Divided in New Draft	2
Leave to Withdraw	5
Referred to Another Committee	—

Respectfully Submitted,

Signed:

GERALD E. TALBOT  
House Chairman

The Communication was read and ordered placed on file.

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

Bill "An Act Relating to Nuclear Power Plant Construction" (S. P. 381) (L. D. 1232).  
Was reported by the Committee on Bills in the Second Reading and read the second time.

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

(Off Record Remarks)

On motion of Mr. Rolde of York,  
Adjourned until twelve-thirty tomorrow afternoon.