

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, June 3, 1975

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

Prayer by Rev. James C. Sleeper of Freeport.

The journal of yesterday was read and approved.

**Papers from the Senate
Non-Concurrent Matter**

Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 99) (L. D. 106) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-466) Report of the Committee on Fisheries and Wildlife was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-466) and House Amendment "A" (H-345) in the House on May 30.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Fisheries and Wildlife read and accepted.

In the House:

Mr. Martin of St. Agatha moved that the House insist.

Mr. Laffin of Westbrook moved that the House recede and concur.

Mr. Mills of Eastport 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 Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope today that the members of this House will not destroy our moose in this state. I feel that we are losing a lot of our animals and I feel that this is a fine piece of legislation if it was 20, 30 or maybe 40 years ago; however, today, I know that the hunters like to go hunting and they like to enjoy that sport which, to be sure, it is a very good sport, but I feel that if we open the door to kill this animal, there will be more taking than will be put back by nature. Therefore, I would urge at this time to recede and concur.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I hope we do not vote to recede and concur. Once again, I think we have to take a stand and not let something get shoved down our throat. I find it interesting that certain members of this Body are opposed to killing the moose but in favor of killing other things. I think that evidence has even arisen since we last debated this issue that the Representative from Dixfield sitting in front of me has an article from this past weekend's Portland paper which says that the moose population is far outstripping the deer population in the State of Maine, and you don't believe that they are hurting the deer herd at least a little bit by their browsing habits, then I think you are mistaken. I hope that we would vote to insist this morning and stand by our action and possibly get something out of this bill.

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

Mr. DAVIES: Mr. Speaker and Members of the House: Many of you look upon me as being an environmentalist and I think I am proud of being considered as such, but I rise today to oppose the recede and concur motion and in favor of the Moose Bill. I think if we allow our moose herd to grow unchecked, as it appears to be doing, it eventually is going to begin destroying itself.

If any of you are familiar with the deer herds in New Jersey, they have grown to massive sizes. I am familiar with that situation down there quite well and what has happened is, the deer herd in New Jersey has become extremely small, very unhealthy and is beginning to destroy the habitat in which it lives. I think the same situation is quite possible with our moose herd. It is getting to the point where it's somewhere in the vicinity of 20,000 moose in this state if the estimates that were made at the last time we debated this bill are correct, and I believe they are. What that means to me is that if we allow it to continue unchecked, we are going to see a lot more moose destroyed than would ever be killed with the measure that we have before us.

This bill would give us a chance to study the situation with hunting conditions for one year to see whether, in fact, the herd will stay stable rather than decrease or increase in great measure. I think it is worth the experiment, so I would urge you to defeat the recede and concur motion.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: In talking about this bill to various people in the State House at the other end, I find that they are not too well informed as to what has actually happened to the animals, the deer and the moose.

Now, the biologists both here in the State of Maine, the federal government and the Canadian authorities over the past 15 years have been making a study of both animals and when you hear of somebody telling about seeing the moose standing out in the field, and it is like shooting a cow because the moose doesn't move, I will submit to you that that moose is a sick animal.

It occurs in this fashion, and I will have to be choosy with my words a little bit here because there is a virus bug of some sort, there is a long Latin name to it, that infects the deer. Now, this does not kill the deer, and as close as I can relate it in talking with the biologists it's just like spinal meningitis in the human race. This bug is passed through by the deer in its droppings and the snails on the ground will eat this and in turn the moose will eat the snails. When this gets into the moose's system the moose is vulnerable to this germ or bug or whatever they call it, it is not exactly a virus, but it travels up the spinal cord of the moose and affects the base of the brain. As this disease progresses, the first thing to start going is the eyesight of the moose and they in turn go wandering around and you hear reports of seeing moose crashing through brush with nothing in pursuit or anything else and bumping from tree to tree. That is a very sick moose, and wherever he goes, he is spreading this among the other moose.

So what we have in our moose herd in the State of Maine is a lot of sick moose where the head and the eyesight is going, they lose the loss of their limbs but for some

peculiar reason it doesn't affect the meat. The meat is edible and is not dangerous to human beings. This is all on report from the New Brunswick-Canadian annual management group over there and they have been doing this for a period of 25 years and now they are getting reports and the reports are coming back from our own sportsmen who have been over there hunting moose that the moose in New Brunswick is of a much higher and bigger breed than what we have here in Maine.

So what we are doing now is trying to set up something that will eliminate some of these sick animals and I don't think that any of these moose that are in the coyote country today are very docile animals. From the reports coming in, the humans are having a hard job to even see them because they break and go on the slightest sound today, and this is something where we should be very careful.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: In case you didn't notice and have forgotten from the other day, this is only affecting Aroostook County and the very northern part of Maine is an experiment and we voted quite decisively the other day to let them do it. I hope you will do that today. I only rose to point that out to you, that it doesn't affect your area probably and don't affect mine that much, so we were willing the other day to let these boys from Aroostook shoot the bull and I hope we will be able to do that today.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I would like to pose a question, and not being very well versed in these matters, does that mean that only the residents of Aroostook County will be able to hunt moose or would the lottery be statewide and then you would have to go up there to hunt?

The SPEAKER: The Chair recognizes the gentleman from St. Agatha, Mr. Martin.

Mr. MARTIN: Mr. Speaker, in response to the question from Mr. Bustin, no, any resident in the State of Maine would have a chance to apply for this lottery.

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

Mr. NORRIS: Mr. Speaker, a question through the Chair, please. What is this fee going to be and how many of the poor working people in Maine will be able to afford to go shoot these moose?

The SPEAKER: The Chair recognizes the gentleman from St. Agatha, Mr. Martin.

Mr. MARTIN: Mr. Speaker, the answer to that question is \$3 for an application fee, then your application will be thrown into a big hopper and 500 names will be drawn. If your name is drawn, you will then pay a \$25 registration fee.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Call, Carey, Connolly, Cooney, Cox, Curran, P.; Durgin, Fraser, Goodwin, K.; Henderson, Hewes, Hinds, Hughes, Hunter, Ingegneri, Jackson, Kany, Kelleher, Kennedy, Laffin, LaPointe, Leonard, Lewis, MacLeod, Martin, A.; McMahon, Mitchell, Norris, Palmer, Peakes, Pelosi, Peterson, T.,

Pierce, Post, Raymond, Shute, Snow, Snowe, Sprowl, Stubbs, Talbot, Truman, Tyndale, Winship.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Boudreau, Bustin, Byers, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Cote, Curran, R.; Curtis, Davies, Doak, Dow, Drigotas, Dudley, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Hall, Hennessey, Morin, Lizzotte, Lovell, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, R.; Maxwell, McBrearty, Mills, Miskavage, Morin, Morton, Mulhern, Nadeau, Najarian, Perkins, S.; Perkins, T.; Peterson, P.; Powell, Rideout, Rolde, Rollins, Saunders, Silverman, Spencer, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Wagner, Webber, Wilfong, The Speaker.

ABSENT — Blodgett, Dam, DeVane, Greenlaw, Littlefield, McKernan, Quinn, Smith, Susi, Tierney, Usher, Walker.

Yes, 50; No, 88; Absent, 12.

The **SPEAKER**: Fifty having voted in the affirmative and eighty-eight in the negative, with twelve being absent, the motion does not prevail.

Thereupon, on motion of Mr. LeBlanc of Van Buren, the House voted to insist.

Orders

Mr. Winship of Milo presented the following Joint Order and moved its passage: (H. P. 1657)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Coach Mike McGuire and the Penquis Valley Patriots Baseball Team Penquis League Conference Baseball Champions for the Academic Year 1975

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

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

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

Mrs. Byers of Newcastle presented the following Joint Resolution and moved its adoption: (H. P. 1658)

IN MEMORIAM

Having Learned of the Death of Miss Pauline Fenno of Sheepscot, Maine

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

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

The Resolution was read.

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

Mrs. **BYERS**: Mr. Speaker and Members of the House: Miss Pauline Fenno de-

voted most of her energy and ability to helping others. She served as the unofficial driver of the Dowager Marchioness of Reading England from 1938 until 1945. She served as a member of the staff of Lady Reading who headed Great Britain's Voluntary Services throughout the Second World War.

Following the war, she returned to her birthplace, Boston, where she served as consultant of Women's Voluntary Participation in Civil Defense. In 1965, Miss Fenno moved to Sheepscot, a section of Newcastle, where she purchased seven historical buildings for renovation and preservation. Also, in the last ten years, Miss Fenno gave the town of Sheepscot its ballfield, clubhouse, tennis courts and a riding ring complete with horses and instructions to teach the local children the English style of riding. Lincoln County and the Town of Newcastle has been very fortunate to have Miss Fenno as a resident for the past ten years and we will miss her.

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

Tabled and Assigned

Mr. Faucher of Solon presented the following Joint Order and moved its passage: (H. P. 1659)

WHEREAS, The Committee on Legal Affairs 1974 Report on Rural Crime emphasized the necessary relation between citizen protection from crime and the mutually supportive role of state, local and county police and county government; and

WHEREAS, the Maine Police Chiefs Association has recently completed a study which recommended that the many local and county police forces be coalesced into as few as 19 regional organizations, thereby further calling into question the proper relation of county government to police protection; and

WHEREAS, the number of State Police, their assignments, responsibilities and interaction with county and local police forces are of central importance to public safety; and

WHEREAS, there is a recognized need for civil service membership and salary reform for county and local police officers in order to retain trained police, yet there is still debate as to how best to establish such a civil service and salary reform; and

WHEREAS, many services provided by county governments, including police protection, are sometimes duplicated by municipalities and there has been continuing debate on how best to restructure county governments; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council undertake a study of county government, its proper organization and role in the provision of police services to rural and urban Maine. Of particular concern to this study shall be:

1. How state, county and local police forces can be best organized to provide police services to Maine citizens;
2. Whether a realignment of State Police duties, or a reorganization of the Department of Public Safety, or an increase in State Police personnel, is needed;
3. How civil service membership and salary reform for county and local police officers might best be effected;
4. How County Government should be restructured in order to more efficiently provide police services to Maine citizens; and be it further

ORDERED, that the Department of Public Safety, the Personnel Department, and appropriate boards and commissions

be respectfully requested and directed to provide the council with such technical advice and assistance as the council feels necessary or appropriate to carry out the purpose of this Order; and be it further

ORDERED, that the council report its findings, together with any necessary recommendations or implementing legislation, at the next special or regular session of the Legislature, and be it further

ORDERED, upon passage of this Order in concurrence, that each department, agency, board or commission specified herein be notified by the Legislative Council accordingly of the pending study.

The Order was read.

(On motion of Mr. Dam of Skowhegan, tabled pending passage and tomorrow assigned.)

Mr. Dudley of Enfield presented the following Joint Order and moved its passage: (H. P. 1660)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Ellen C. Keegan upon Retirement Following 28 Years of Public Service in Macwahoc

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

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

The Order was read.

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

Mr. **DUDLEY**: Mr. Speaker and Members of the House: This is a very outstanding citizen and I thought we should make recognition of it and certainly in her area, everybody thinks she is the greatest and I think, too, that these type of people we should always make some acknowledgement of.

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

On Motion of Mr. Albert of Limestone, it was:

ORDERED, that Arthur Sprowl of Hope be excused June 4th, 5th and 6th for personal reasons.

House Reports of Committees

Leave to Withdraw

Mrs. Byers from the Committee on Business Legislation on Bill "An Act to Repeal the Maine Consumer Credit Code" (Emergency) (H. P. 1402) (L. D. 1815) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

New Draft Printed

Mr. Dam from the Committee on Local and County Government on Bill "An Act to Phase out the Present Form of County Government, Transfer its Functions to other Government Units and to Direct the State's Advisory Commission on Intergovernmental Relations to make Recommendations to the Special Session of the 107th Legislature" (H. P. 1444) (L. D. 1819) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Reform or Abolish the Present Form of County Government and to Direct a Joint

Select Committee on County Government to Study and Make Recommendations on the Proper Role and Authority of County Government" (H. P. 1644) (L. D. 1912)

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

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act Relating to the Definition of Motor Vehicle Dealers" (H. P. 439) (L. D. 546)

Report was signed by the following members:

Messrs. THOMAS of Kennebec
REEVES of Kennebec
JOHNSTON of Aroostook
— of the Senate.

Mrs. CLARK of Freeport
Mrs. BOUDREAU of Portland
Mrs. BYERS of Newcastle
Messrs. TIERNEY of Durham
DeVANE of Ellsworth
PEAKES of Dexter
RIDEOUT of Mapleton
PIERCE of Waterville
— of the House.

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

Report was signed by the following members:

Messrs. BOWIE of Gardiner
HIGGINS of Scarborough
— of the House.

Reports were read.

Mrs. Clark of Freeport moved that the House accept the Majority "Ought to pass" Report.

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

Mr. HIGGINS: Mr. Speaker and Ladies and Gentlemen of the House: I would feel a bit remiss if I did not at least explain my position on this Bill. L.D. 546 in the Statement of Fact says "the purpose of this bill is to require those persons who, as a primary business, offer to negotiate the sale of motor vehicles to meet the requirements of the dealer and be licensed as a dealer in accordance with Title 29 Subchapter 3A". What this does is, in effect, rule out automobile brokers from within the State of Maine. The Title 29 says that automobile dealers must have so many square feet of showroom space and so many bays for the maintenance and repair of automobiles and it just seemed to me that this bill was favoring very much the established dealers that were in business at the present time and made it rather difficult for new dealers and franchisers to get started.

I think there has been some problems with brokers in the past, maybe some shoddy dealings. I am not sure, but it just seems to me that the people of the state should be offered the ability to buy from a broker who would have, shall we say, less overhead and would be able to get comparable models at a lower price.

Now, the argument is going to be made that they do not have the facilities to repair these vehicles should there be something wrong with the warranty. I would submit that if an individual went to one of these brokers, he would take that chance; he would know when he went that they obviously did not have any repair facilities and that he would be taking that chance on his own. Perhaps he has his own individual garage or whatever. He would also be able to take that car to an established dealer in

his town who would fix it for him — that is an alternative. If he bought a Chevrolet, he could take it to a Chevrolet dealer in that town or that particular area and they would fix it for him, perhaps reluctantly, but they would do it under the warranty and be reimbursed, I believe, by General Motors. I would ask for a division on the motion.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman who has just spoken I don't think has done too much business with brokers and out of state dealers, because I am telling you right now and what he said was true as far as he went. You have no service on a vehicle you buy from these gentlemen. I bought and sold these right after World War II from these dealers and I don't mean just one car, several cars and I found that it didn't pay to do this because you can't get the service.

If you do take a Chevrolet back to a Chevrolet dealer after you buy it from one of these brokers — and I might say right here, this is a Consumer's Protection Bill if ever there was one because this protects the consumer, protects himself against himself from buying these things. I know, I have taken them back to these dealers and they say "Oh, yes we'll fix it" but when will they fix it? They have to say they will fix it because they are a dealer in that special car, but you're going to wait your special turn and you're going to wait a darn long while, excuse my expression. I have seen this happen when you go in for a car inspection, they say "Oh, we'll inspect it, but you bring it back next Thursday or next Friday, I know all about this ladies and gentlemen because I have tried it.

As I say, I drove cars through from Massachusetts I bought from brokers in Lewiston. At that time, they weren't black market, but they were cars that were bought in other states and they were brought in and you paid them \$150 above the dealer's price or \$200, or you bought a dog in the back seat or you bought a blanket in the back seat. This is not hearsay, anyone can remember back then, some of you young people can't, but they knew what was happening. You go in to buy a car and it would be \$500 above the price and they would say, "Well, we want \$500 for the dog in the back seat". Well, you give \$500 for dog in the back seat, you got no service, you got nothing and who should we protect if we don't protect our dealers in the State of Maine?" We have got to protect them, we have got them, they are taxpayers, they are income taxpayers, they are sales taxpayers, they give you service, they carry parts.

Ladies and gentlemen of this House, this is one of the first bills I have read this year, it is not my bill, but I wish it was, I would be proud to present a bill like this and I admire the Business Legislation Committee for bringing a bill in like this, 11-2 "Ought to Pass", and I hope this morning you will go along with the motion "Ought to Pass" to protect these dealers, protect the interest of the State of Maine.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I agree 100 percent with the remarks of Representative Finemore. Our automobile dealers,

the authorized dealers, have many employees, they add to the economy of the state and they are on very strict requirements. In order to be an authorized dealer, they must have proper facilities for the display of vehicles, repair department that is capable of repairing two vehicles at the same time and also they must have mechanics on hand.

I think we have two alternatives; either accept this report or repeal all the requirements for our authorized dealers so that if we want to buy our cars without warranties, without any guarantee of repair service and all the other privileges we now have, then we will not accept this report, but I urge you to accept the "Ought to Pass" report.

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

Mr. MacEACHERN: A question to anyone. Would this bill in any way affect used car dealers?

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: Four to five hundred used car dealers in the State of Maine support this measure, as well as 250 new car dealers. I would ask that the members of the House do support the Majority "Ought to pass" Report.

At the public hearing on this bill, we had a number of proponents, we had three people who stated that they were opposed to the measure but who did not testify at the hearing. People in the State of Maine, the consuming public, are frequently deluded by broker situations. Brokers can't pre-deliver cars because they do not have the dealer prep facilities.

A number of people objected to car sales who do not have the facilities or the intentions of providing services or warranty protection. The gentleman from Bridgewater, Mr. Finemore, has alluded to a fact that most of us do not acknowledge and that is, current dealers in our state do not have to honor warranties which are given on cars which are not sold by their dealers but are sold by brokers.

George Whalen the Chief of Public Service of Motor Vehicle Division was a strong proponent for this measure and he stated to the committee that this measure would expand the definition of a motor vehicle dealer to include those persons who offer for sale automobiles new and used, and it would also, in addition, apply the law equally to all parties for the benefit of Maine's consuming public.

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

Mr. COX: I would like to pose a question to any member of the Business Legislation Committee who might like to answer. Do I understand that this bill would rule out the selling of a new car by anyone who is not an authorized dealer of the manufacturer?

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

Mrs. CLARK: The answer is no.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I am very opposed to this bill. We hear so much about free enterprise. I was told this morning there are two little brokers in the state and one, if not two, come from my home town. For the simple reason the automobile dealers are doing the same thing, they are

carrying on their cut in prices every day. You can go and you can dicker with an automobile dealer and cut his prices up to \$600 and \$700, depending on the price of the automobile.

These little fellows are trying to start out in business. They do this in other states and they don't interfere that much and every dealer gets paid for what work he does to these cars, even if they sell a new Ford or a Chevrolet or a Chrysler product. When the dealer does repair work they are allotted so much money from that corporation, General Motors or Chrysler Corporation for the repairs, and they are not doing that much harm. I see no reason why we should limit it to just the automobile dealers because they are doing this business every day, they are cutting each other's throat and cutting prices, yet they want to put these two people out of business in the State of Maine.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I just don't agree with the gentleman from Bridgewater, Mr. Finemore, on one particular point, and that is that we should protect ourselves from ourselves. We have laws that are on the books and if we are having problems with brokers who are in the state now, let's try to enforce them rather than to completely remove them from the scene. I say in some instances these brokers might serve a very valuable purpose; maybe I am wrong, but I felt that I should make my feelings clear on the thing.

I liken the situation to a catalog store. Some places in the State of Maine do not have a Sears store such as we have here in downtown Augusta, they have a catalog store. You go in and buy it without seeing it just like you do with a broker. If you don't like it or it doesn't function when it comes through in the mail, you have to send it back, you have to wait, but you know when you buy that article from the catalog store that you're not going to get proper service on the item, just the same as you know that if you buy a car from a broker who doesn't have a showroom or who doesn't have a car on display, you know you are going to wait, you know you are not going to get the proper service but maybe you are willing to do that if he can cut the price \$200 from an existing dealer. I just say that I think you are keeping up businesses that might benefit the people of the state and I think you are restricting trade in this particular area.

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

Mr. PEAKES: Mr. Speaker, and Members of the House: We in the Business Legislation Committee who voted on the majority side listened to a lot of testimony and it was our considered opinion that it was in the best interest of the people of Maine to have a business where they could return to and not to have a telephone number and a motel room or a post office box, an advertisement for a month out of the year to sell vehicles when the dealers who are set up in these various communities take part in community activities and have a responsibility towards the public.

I think that as far as the amount of money that the manufacturer of vehicles pays to the new car dealers, it really isn't adequate to cover all of the problems that come up on these motor vehicles and I think it is unfair to have them have the responsibility of servicing these cars when

they are not getting the value out of the sale.

The SPEAKER: The pending question is on the motion of the gentleman from Freeport, Mrs. Clark, 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 21 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 State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-621) on Bill "An Act Relating to Forester Registration and Licensing" (H. P. 1329) (L. D. 1412)

Report was signed by the following members:

Messrs. CURTIS of Penobscot
WYMAN of Washington
— of the Senate.

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

— 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. GRAHAM of Cumberland
— of the Senate.

Mr. COONEY of Sabattus
— of the House.

Reports were read.

Mr. Palmer of Nobleboro moved the House accept the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a division. I am not going to belabor this very long, but the State Government Committee and I am sure some of the other committees here have received bills that have requested the State of Maine provide a licensing procedure for a particular occupation. There is one question I always ask when we are asked to set up these new agencies. I ask, "Is the health and welfare of Maine citizens being jeopardized because this occupation is not now being licensed?" I asked that question when we came to the question of licensing foresters.

It doesn't seem to me that there is any serious injury, disease, fraud, malice, toward the public as a result of unlicensed foresters. We do have a fine group of people who are members of a Forestry Society in the state who are working and they are professional people, but the establishment of this licensing bureau will not deter other people who are not trained such as these people are from offering forest practice information. Once again, the health and welfare of the people is probably not being jeopardized whether someone is licensed or not.

I would ask you also, what reason would there be to revoke a license? Are there now state laws on forestry practices that must be carried out by licensed foresters who must obey these laws? Although we do

have many laws relating to forestry, none of them require that foresters carry out those laws. Let me ask you again about the health and welfare of the public. If we are going to license occupational groups, I wonder if we shouldn't license auto mechanics before we license foresters. Maybe we should license some of our health or diet clubs; maybe we should license opticians or contractors before we license foresters. Certainly there are many occupational groups who do seriously jeopardize the health and welfare of the public, but it has not been demonstrated to me that there is a critical problem because our foresters are not now licensed.

It is not a serious bill in itself, because like all licensing bills, it provides for the Foresters Licensing Bureau to be self-supporting. There will be no real cost to the taxpayer, except for what we must provide for them administratively. But we are being asked more and more by organizations who want to put sort of a state stamp of approval on their particular occupation to say that we are state licensed people and this is just one more example of a group of good, honest, professional people coming and asking for that state seal of approval, and if we do it for foresters, certainly it will be hard to make an argument not to do it for another organization.

We have been requested this year to license recreational specialists and that bill was withdrawn, but I am sure it will be back again with a lot of others.

I am not really concerned about whether Mr. Palmer's bill passes this morning or not, but I do feel that the legislature ought to be looking very critically at these bills, because many more occupations will be in here asking for this state stamp of approval.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will take just a moment to respond to the remarks of the gentleman from Sabattus. Actually, I cannot in good conscience place a professional forester in the same category with others that he was mentioning about licensing in this state. I think that this bill does answer the question which he — certainly having nothing to do with the health problems of the state, but certainly a great deal to do, I believe, with the welfare.

We have been very concerned in this legislature the last few years in passing a number of environmental laws. We are working still on a Forest Practices Act, which I am sure one of these days we will have. We have shoreland zoning throughout Maine and we have been working very seriously with our Public Lots issue over the last two years. All of these things involve the work of foresters. It seems to me that it is very, very important that we have a registration of professional foresters. I think we are demanding excellence in this field, it has a great deal to do, I think, with the continuance of our good environment here in Maine. These people are professionals; they are asking to regulate themselves, they are asking nothing from us except this opportunity and I believe it will result in better forest practices throughout the state, which I then believe also would lead to a greater benefit to the welfare of the people of Maine and would answer, perhaps, Representative Cooney's objection. I hope you will accept the "Ought to Pass" report of the bill.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I will start my comments off by telling you that I am a registered land surveyor, and foresters can register as land surveyors if they meet certain qualifications. I can go out and do surveying on forestry land, timber cruising and what have you. I prefer not to do it, I feel that it is strictly out of my field.

I have appeared in court on several occasions when people have cut over lines, lines that were run originally by people who were incompetent and the only ones really that are competent to do the type of work that would be required would be licensed foresters.

There is a damage settlement when you cut trees over other people's line and only a forester, for instance, would be able to tell you how much wood came out of a certain tree. I can't do that. I don't even try to do it. These people have asked to be registered and for the protection of the people and to show that they are competent out in the field, I would certainly urge you to accept the "Ought to Pass" Report.

The SPEAKER: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, 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. 64 having voted in the affirmative and 13 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-621) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Divided Report
Tabled and Assigned**

Six Members from the Committee on Energy on Bill "An Act to Create the Passamaquoddy Tidal Power Project Study Commission" (Emergency) (H. P. 1343) (L. D. 1668) report in Report "A" that the same "Ought to Pass"

Report was signed by the following members:

Mr. ROBERTS of York — of the Senate.

Mrs. DURGIN of Kittery

Messrs. JACKSON of Yarmouth
FARLEY of Biddeford
GREENLAW of Stonington
CONNOLLY of Portland — of the House.

Six Members from the same Committee report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Mr. CIANCHETTE of Somerset — of the Senate.

Mrs. BYERS of Newcastle
Messrs. TORREY of Poland
DAVIES of Orono
KELLEHER of Bangor
BENNETT of Caribou — of the House.

Reports were read.
(On motion of Mr. Rolde of York, tabled pending acceptance of either Report and specially assigned for Thursday, June 5.)

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

(H. P. 1509) (L. D. 1840) Bill "An Act to Incorporate the Woodlands Utilities District" (Emergency) — Committee on

Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-620)

(H. P. 1074) (L. D. 1354) Bill "An Act Concerning Prima Facie Evidence that a Lobster is Female" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-617)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 4 under listing of the Second Day.

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

(H. P. 899) (L. D. 1086) Bill "An Act Concerning Disaster Relief under the Civil Emergency Preparedness Statutes"

(H. P. 815) (L. D. 989) Bill "An Act Relating to Water Districts" (C. "A" H-589)

(H. P. 648) (L. D. 800) Bill "An Act Making Financial Aid Formulae Consistent with the 100% State Valuation" (C. "A" H-590)

(H. P. 1187) (L. D. 1768) Bill "An Act to Clarify the Priority Social Services Program to assure Effective Utilization of State and Federal Resources for Human Services" (C. "A" H-587)

(H. P. 982) (L. D. 1245) "An Act Relating to Expenses for Examination of Insurers" (C. "A" H-595)

(H. P. 1275) (L. D. 1578) Bill "An Act Authorizing Regulations Relating to Governmental and Commercial Buildings within the Capitol Complex Area" (C. "A" H-591)

No objections having been noted at the end of the second legislative day, the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Raise the Tax on Beer, Wine and Other Alcoholic Beverages to Provide Operating Funds for Alcohol Treatment Facilities" (H. P. 773) (L. D. 944)

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

Amended Bills

Bill "An Act Relating to Tenants Serving on State and Local Housing Authorities" (S. P. 439) (L. D. 1455) (S. "A" S-236)

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

Second Reader

Later Today Assigned

Bill "An Act Relating to Maine Veterinary Practice" (S. P. 212) (L. D. 739) (C. "A" S-218)

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

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

RESOLVE, Appropriating Funds for the Pharos House of Portland (S. P. 477) (L. D. 1610) (C. "A" S-220)

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

**Second Reader
Tabled and Assigned**

Bill "An Act Relating to Commercial Fishing and the Increase of Certain License Fees Issued by the Department of Marine Resources" (H. P. 1118) (L. D. 1415) (C. "A" H-572)

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 Thursday, June 5.)

Later Today Assigned

Bill "An Act to Establish Assessments upon Certain Public Utilities and to Authorize use of the Funds Generated by those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 1407) (L. D. 1719) (C. H-570)

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

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

Bill, "An Act to Limit Priority Liens in Individual and Group Health Insurance Policies" (H. P. 1252) (L. D. 1629) (C. "A" H-573)

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

Second Reader

Tabled and Assigned

Bill "An Act Establishing a Fee-for-Service System for the Diagnostic Laboratory, Department of Health and Welfare" (H. P. 246) (L. D. 299) (C. "A" H-580)

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

(On motion of Mr. Talbot of Portland, tabled pending passage to be engrossed as amended and specially assigned for Thursday, June 5.)

Bill "An Act to Include the Chairman of the Land Use Regulation Commission on the Board of Pesticides Control" (H. P. 1208) (L. D. 1501) (C. "A" H-574)

Bill "An Act to Amend the Subdivision Law to Provide for More Housing in the State" (H. P. 1006) (L. D. 1274) (C. "A" H-594)

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.

Bill "An Act Creating the Office of Dental Health" (H. P. 972) (L. D. 1234) (C. "A" H-588)

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

Mr. Stubbs of Hallowell moved that this Bill and all accompanying papers be indefinitely postponed.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I urge you to oppose the motion to indefinitely postpone. This bill, at its hearing had 115 people who came from 13 counties in the state and it was unopposed except for a couple of people who thought that it was a fluoridation measure and that is the only opposition

that this bill had at the hearing. I am appalled at this motion and I just urge you to vote against it.

We don't have an office of dental health now, we have a division. The state is making very little effort to do anything about prevention of dental disease and yet it is one of our most serious public health problems, and the federal government does spend quite a bit of money on AFDC children correcting their teeth, but many dentists have said it does no good because in six months time all the cavities are back again and its just throwing away good money. The only way we could attack this problem is through a prevention and education program in the schools and this office of dental health is designed to plan and implement, another bill that we had here, designed to do just that.

The Commissioner of Health and Welfare has promised us to use \$400,000 of federal money to match local and school board money for prevention and education of dental health in the schools. I urge you, please, to vote against the indefinite postponement of this bill.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: As a cosponsor of this bill, I share the good lady from Portland's appraisal and I suggest we listen to the gentleman from Hallowell because he is going to have to bring up something that we haven't heard in two years of working on this bill that would cause me to turn against it. Once he has had his whack at it, we can push it right along and fly it through.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker and Members of the House: When this bill was originally drawn up, it had an appropriation of \$62,000 for the next fiscal year and \$67,000 for the year after, for a total of \$129,000. Now, there is presently an amendment attached to it which lowers this to \$41,000 for the two years. I submit that all we are doing is postponing the inevitable until its up to \$129,000.

Presently, we have the Division of Dental Health. This division is headed by a professional dentist. This division would be abolished if we enact this and we would then be creating the Office of Dental Health. There is no provision in this present bill before you to have a dentist head this new office up. I submit that the present office, headed by a dentist, is better than one headed by some political person, which is probably exactly what will be appointed to the head of the office.

In addition, I have discussed this with Commissioner David Smith. He indicates that this type of office could be created by a stroke of a pen; in other words, I am saying that this does nothing but clutter up the statutes.

Presently, the Division of Dental Health is involved in Medicaid. Some \$2 million was spent last year for dental care for AFDC children. Some two to three thousand state wards of the state, received treatment via the Division of Dental Health. They have a crippled children's program to treat children with cleft palates. They are also involved in social selfare. These are federal funds that are distributed. They are involved in aid to general relief. They have a work incentive program to fix up people so that they can go to work. They are also involved in vocational rehabilitation, and last but not least,

they are involved in dental health education.

Presently, Maine has approximately 400,000 people using fluoridated water. It may surprise you to know that for states that have fluoridated water via local referendum, Maine leads the nation. Some of their educational material has been used by Harvard, Columbia, the University of California; they are instrumental in the creation of a dental hygienist school at the University of Maine. There is also one at Westbrook where there are approximately 50 dental hygienists. The one at the University of Maine has approximately 50 dental hygienists. The one at the University of Maine has approximately 25 at the moment. Prior to the establishment of this division, it was very difficult for Maine students to get into dental school. Now they have a program with Tufts Dental School whereby approximately five Maine boys or girls attend Tufts Dental School each year under a scholarship program.

Last but not least, I would remind you that as the present setup is headed by a dentist, a very qualified dentist, and with the creation of this new office, all you're going to have is an office headed by somebody in off the street.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am relieved to know that my good friend from Hallowell hasn't got anything more serious on his mind about the bill than he has given to us today because the points he brings up really aren't germane to what we are trying to do here.

I would like to, if I could, just give you a brief rundown of how come we're where we are. The gentlelady from Portland, Mrs. Najarian, and I cosponsored each other's bills. Mine would have set up a program of dental health for children in our schools that would require local funds either from the municipality or the schools, matched by the state, and carrying an appropriation, I believe, of \$100,000 for the first year.

L. D. 1234, which is before you here was a companion bill and really had a higher priority, because this sets up the office of Dental Health which will oversee and administer the implementation of this program, set up the guidelines and working with an advisory commission made up of providers and consumers of dental care under the Commissioner of Health and Welfare to oversee the situation.

One of the most pleasing experiences in my brief history in this legislature, Commissioner Smith indicated to us that he had discretionary federal funds and recognizing the high priority that this state needs on dental health, offered and is going to fund the bill that I would have put in. So I withdrew my bill; he will fund that program through discretionary funds that in the past have been going to other activities, and in the same spirit of cooperation, he has agreed that he would accept the statutory language in the Najarian bill in order to set up this office of dental health, that we strip the bill from its original funding of \$60 — odd-thousand a year down to \$18,000 to pay for this one position. He will again, with some of his discretionary funds, beef up this office with secretarial help and other assistants that are necessary. The bill originally carried three positions.

As to who is going to fill this office, I submit that no one knows at this point, but I think it is an advantage, I think it is the merit of the bill where it does not specify that it be a dentist. I think we have seen evidence in this state that doctors and medically trained people aren't always the best people to perform the administrative functions in a department such as this and if indeed they can find a dentist with qualifications in administration who would work for that salary, I think it would be fine if they took him on board.

However, with these millions of dollars that the good gentleman from Hallowell speaks of us spending is perhaps true. We were not able in a year's study to determine exactly what was spent on the teeth of the children of this state, but I would remind you that it is all corrective care. This is after their teeth go to pot, maybe once a year go to a dentist for corrective care and a year later they are right back in for the same kind of retreat. This is a long-ranged program and it is going to take time, it is not a crash program it is a patient plodding approach to improve the dental health of people by training them in the proper techniques, techniques that we know will work, techniques that will substantially reduce, I wouldn't say eliminate, but will certainly substantially reduce the amount of tooth decay and, therefore, the necessity for state funds to be sent for corrective care.

I hope that this would help answer the objections that have been raised by the gentleman from Hallowell and it would appeal to you people as a common-sense approach to what is, perhaps, the number one health problem of the people of the State of Maine, and I would urge when the vote is taken, you support this bill.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House; I would just like to respond briefly to the criticisms of Mr. Stubbs from Hallowell. He mentioned that we have a Division of Dental Health presently. It is now called an office of Dental Health, it is true, it is not established in our statutes. The former Commissioner of Health and Welfare set up this office. There was no need to and there is no assurance that it would continue in the future if we had another commissioner.

Presently, that office is staffed by dentists, Dr. Garcelon, who works two half days a week and he has supported this bill that Mr. Garsoe and I are cosponsoring. From the very beginning he has worked closely with it because he realizes himself that the state is not doing enough for the prevention of dental disease. He works two half days. There is a full-time secretary and one dental hygienist who has been working in the southern part of the state on a fluoridation education campaign. I think Mr. Garsoe explained why the appropriation on my bill was reduced. With money being so tight this year, we were very happy to use federal funds if that were possible so the state funds could be used for other important L. D.'s.

Mr. Speaker, when the vote is taken, I request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to a couple of the statements, I find it incon-

ceivable that this study went on for a full year and they still don't know how much money is being spent. I submit that perhaps the study is not complete. Money is passing through a state office and they don't know how much money was spent.

In addition, I don't know all the facts and figures here, but I talked with Dr. Garcelon no later than Sunday evening; and he indicated that he was totally opposed to the bill. He did not want to see the office headed up by someone other than a dentist, or the division such as it is.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to this bill, probably for different reasons than the gentleman from Hallowell. The people that I represent, and by great numbers, don't want to extend state government in any more services. Every time we come down here, we try to sell them more services.

I can tell you for sure, they are opposed to any more services and more personnel working for the state. If you could see state government as I do, you probably see it in a different light, but when I was here, the whole state government was run from this one building. They built this monstrosity to our left and told us this was good for my lifetime and since then we have a building across the street and many others, Vickery Hill, and now up in the shopping center and now here we want to create some more office space and another department.

I just want to be realistic. They have cut the price of this bill down to \$18,000 to get their foot in the door and this is how all these departments start. They sometimes start with a \$2,000 appropriation and end up ten years later with a \$2 million appropriation. This is a beginning, this is characteristic of all these things getting started and there is no cry for this from my people, they cry against it. This is why I am against this type of thing. I don't know if it is good or not, nobody else does. I don't think anything that has to do with dentistry should be headed up by some guy off the street either.

I am just being realistic about the cost and trying to enlighten you on how these departments start. They start with a foot in the door with a small appropriation and you can take any one of them that you want to mention. I won't stand here for a whole hour but I could go on and talk about an issue like this for two hours by enlightening you on all the departments that have started since I have been here. Not one of them has been cried for by the people I represent and most of them are crying not to have any more. That is one thing that I have been emphasizing every time I talk with the public that I represent.

For goodness sakes, let's get less state government than we have and not more. This is one of the bills right here that put the foot in the door, and I hope that you will vote to indefinitely postpone it. You will be doing a good service to the people that you represent.

Mr. Garsoe of Cumberland was granted permission to speak a third time.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I do want to reply briefly to the remarks of the gentleman from Hallowell on the cost that he was able to determine. I would hazard a guess under the new administration over there, perhaps, accurate figures are more easy to come by than they were at the time we were looking for them.

In regard to the gentleman from Enfield,

Mr. Dudley, I think there is quite a degree of truth to what he is saying. I wouldn't characterize it as a foot in the door, but I would want this body to understand that the funding for the program in the local communities is dependent on these federal funds to the degree that they are available. The commissioner has guaranteed that they will be available this year and feels quite strongly that they will be available for the second year of the biennium, but that is barring any drastic change that would either dry up these funds or some higher priority coming along that would cause him to divert them. So I would say there is a degree of truth in the point the gentleman makes. I wouldn't characterize it as a foot in the door. I would say that in regards to what is generally accepted as perhaps the number one health problem in this state, that we have a break, because I am convinced that if this money hadn't been available, we would have to give serious consideration to funding it on its merits alone. I will take the reverse view of that, that he is right, that this could be eventually a responsibility of the state.

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

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

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

ROLL CALL

YEA — Ault, Berry, P. P.; Berube, Bowie, Byers, Call, Connors, Dudley, Dyer, Gray, Hewes, Hutchings, Laffin, Leonard, Littlefield, MacEachern, Mackel, Morin, Raymond, Sprowl, Strout, Stubbs, Teague, Truman.

NAY — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Birt, Blodgett, Boudreau, Burns, Bustin, Carpenter, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Farley, Farnham, Faucher; Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahon, Mills, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Talbot, Tarr, Tierney, Twitchell, Tyndale, Wagner, Walker, Wilfong, Winship.

ABSENT — Carey, Churchill, McKernan, Norris, Quinn, Smith, Susi, Theriault, Torrey, Tozier, Usher, Webber.

Yes, 24; No, 113; Absent, 12.

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

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

Second Reader Tabled and Assigned

Bill "An Act Relating to the Division of Hundred-weight Fees between the Maine Milk Commission and the Maine Dairy Council Committee" (S. P. 417) (L. D. 1374) (C. "A" S-215)

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

(On motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed as amended and specially assigned for Thursday, June 5.)

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) (S. "B" S-163 to S. "A" S-124)

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

Bill "An Act to Allow Municipal Approval of Routine Great Ponds Permits" (H. P. 662) (L. D. 836) (H. "A" H-609 to C. "A" H-529).

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

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

Mrs. MITCHELL: Mr. Speaker, I have a question that I am trying to get answered about this L. D. and I would respectfully ask someone to table it for me, please?

On motion of Mr. Rolde of York, tabled pending passage to be engrossed as amended and specially assigned for Thursday, June 5.

Bill "An Act to Provide Income Tax Credits for Eligible Businesses" (H. P. 935) (L. D. 1177) (C. "A" H-492)

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

(On motion of Mr. Finemore of Bridgewater, tabled pending passage to be engrossed as amended and tomorrow assigned.)

Passed to Be Enacted Emergency Measure

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

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. 115 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Kennebec River (H. P. 1179) (L. D. 1471)

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. 115 voted in favor of same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Providing for the Observance of Memorial Day on May 30th (S. P. 371) (L. D. 1198)

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

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 Relating to the Maine Dairy and Nutrition Council (H. P. 642) (L. D. 825)

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

(On motion of Mr. Rolde of York, tabled pending passage to be enacted and tomorrow assigned.)

An Act Relating to Executive Sessions of Public Bodies or Agencies (H. P. 722) (L. D. 899)

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

Enactor

Tabled and Assigned

An Act Amending Laws Related to Coeducational Program in Juvenile Training Centers (H. P. 772) (L. D. 943)

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

(On motion of Mr. Carter of Winslow, tabled pending passage to be enacted and tomorrow assigned.)

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

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

An Act to Require Review of Proposed State Regulations by Local Units of Government (H. P. 891) (L. D. 1082)

An Act Establishing a Consumer Complaint Office within the Public Utilities Commission (H. P. 1019) (L. D. 1298)

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 Municipal Property Tax Bills (H. P. 940) (L. D. 1313)

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

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill which is an act concerning municipal property tax bills and all it says is, municipalities shall indicate on every property tax bill the percentage of the tax allocated for county government use.

I have never been known to be a strong proponent of county government and I know that county government at this time is in serious trouble, but it seems very strange to me anyway, that we would single out one particular item in a tax bill. I have the work sheets, I am still working on the city budget for the City of Waterville and I have my breakdown that goes to the council as to where things are. For instance, there are nine items for which we spend money, education, public safety, public works, general government, debt service, insurance and pensions, county tax, welfare services, parks and recreations and of all of the nine items, county government is seventh on the list. It accounts for two percent of the expenditures of municipal funds and it seems strange to me that we would give, an item which amounts to two percent of a municipal budget placed on the county tax bill. I would prefer to put on the tax bill the 55 percent that we are spending for education or the 14 percent that we are spending for public works or the 12 percent we are spending for public safety, 6 percent that we are spending for general government.

We have a computer in the City of Waterville so that this bill would not affect us as drastically as it might affect the smaller towns, because all we do is feed in the information and it would go right onto the tax bills which will be prepared on the computer. I know that it is going to create a hardship on some of the smaller towns and communities and maybe while we are telling them where the money is going, maybe we also ought to be telling the people where the money is coming from, whether it is from the property tax, whether it is from state aid, from excise tax, federal revenue sharing, tuitions or miscellaneous accounts.

This is the reason I am asking for indefinite postponement of this bill, because it seems to me a foot-in-the-door type approach where you will get the county section put onto this bill and then next year we will be asking for the school bills. Either we put everything on this tax bill or we put nothing and I would suggest, calmly suggest to the House, that probably the place to put all of this information would be in the annual report, the place that the City of Waterville puts it in.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I am really surprised this morning by my good friend Mr. Carey from Waterville, because I think that this is the first time in the six years that I have been here that the man has ever gotten up and spoken on a bill and wasn't really what I would say prepared, because he overlooked the real heart of the bill. I would refer the good gentleman from Waterville to the Committee Amendment "A" to H. P. 940, L. D. 1313, which is under filing number H-477. What this does is exactly what Mr. Carey has suggested that they do. In this amendment it says that if a municipality gives written notice to persons liable to taxation in the municipality or primary assessing area of the amount of tax due or payable, such notice shall contain a statement of the allocation of the total property tax assessment in percentages as it appears in the warrant to the tax collectors required under Section 753.

There is no breakdown requirement here, as far as the municipal officers are concerned, because this is already statutory provision now, that it must be

done when it is presented to the tax collector in their warrant. What this would do is, on your tax bill it would show — and these are off the head as just an example of what it would show — that under general government 8 percent, education 60 percent, county tax 1 percent, special districts 12 percent, and this way the people in the communities, when they look at their tax bills, they would know how the allocation of the tax dollar is being divided.

While a lot of this is shown in the town report, many of the people don't go and get a town report but they do get a tax bill, and all it would do would require on their tax bill just a percentage printing, nothing else. That would take care of the school districts, the special districts, the county tax, education and operation of the general government.

So, I would hope today that this bill was not indefinitely postponed, because this bill would really be the bill that would be put before the taxpayers, when they look at their bill, the figures of just how their money is being expended and to what percentage is being allocated to the various operations of government.

Just as Mr. Carey said, in the City of Waterville, he would have no problem, well, I can assure the people in the small towns that they would have no problems because this is already broken down on a warrant when it is given to the tax collector, how this money is allocated, so there is no problem at all with this and I would hope that we would defeat the motion for indefinite postponement.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Skowhegan very much. I have been away and I noticed this item for the very first time. The item under enactors do not put down that the bill has been amended so that the amendment comes to me as a complete surprise and if somebody would table this for one day, I would have a chance to look at the amendment and I could very well withdraw my motion.

On motion of Mr. Dam of Skowhegan, tabled pending passage to be enacted and tomorrow assigned.

An Act Concerning the Mounting of Red Lights on Vehicles Operated by Volunteer Firemen (H. P. 990) (L. D. 1336)

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

An Act Relating to Private Visitation and Rehabilitative Process at Correctional Institutions (H. P. 1181) (L. D. 1474)

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

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I am just wondering if somebody from the committee or the sponsors of this bill could perhaps give us some insight into the particular provisions. As I read the new draft, which is in the form of an amendment, it says it implements the recommendations of the Governor's Task Force on Corrections, number 65, I believe that is in error, I think it is a number 66. I would like some explanation in regard to the total effects of

that bill, perhaps as to the cost factor, which I think may well be.

The SPEAKER: The gentleman from South Portland, M. Perkins, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, this bill was presented to Representative Pelosi and myself by a group of persons, an organization, and asked us to put the bill before the legislature because they felt that if a person incarcerated in a prison, if they could be with their family or that wife or their attorney alone for a period of time, that it would be very good for the prisoners' morale and help them a great deal in his incarceration.

The bill, in my opinion, didn't have any particular great input and as the bill was rewritten, it has stated that a person cannot have the visitation unless there is approval of the head of the prison and the rules and regulations are such that the person coming in is searched so that they can carry no weapons or anything whatsoever, but they are allowed to be alone with the prisoner for a period of time, and within that period of time, they could do just about anything they want to. In other words, it would make a prisoner feel a great deal better and help him in his total morale.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: In regard to this bill, it came to us originally as a bill that was written and it was very difficult as it was written for the department to administer it, simply because it required that every single inmate in any of the prisons be allowed free time, private visitation rights, etc., and what we did was we merely rewrote the bill to give the department the authority if and when a particular superintendent feels that he has the space, the time and the manpower to allow private visitation and it gives him complete authority to drop all rules and regulations. The only stipulation the bill has is that any private visitations that are granted, that you must give top priority to those individuals who are not allowed to go out on furlough or not allowed to go out on some sort of work release then they would have time alone with their family and everything.

It is completely permissive, it doesn't bind the department to any type of requirements that they have to provide private visitations. I checked with some attorney on this and they felt that it couldn't be deemed, the way it was written, that it would be a right by the prisoners but it would be merely legislation that would allow the department, if and when, they had the space, the time and the manpower, to allow a private visitation with a particular individual.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I certainly can see the advantage and the validity to permission of having prisoners have certain privileges and privacies. They certainly have the privilege with their attorney at the moment.

I am concerned that because this bill will open up the area of conjugal visits which

was what I was seeking out to see if it did do just that as I read it and I believe that response was in the affirmative. Grant you, there is some advantage to that. However, if we take the Governor's Task Force on Corrections that particular recommendation and that statement of fact has any validity I would point out, that it does say, the Governor's Task Force on Corrections believes that the creation of institutional facilities where friends or entire families could visit inmates not eligible for off-ground furlough in private residential surroundings for a day or a weekend would add much to such offenders receptivity to on-going correctional programs and significantly reduce institutional tension.

My question is, if we are talking about ultimately providing for residential facilities for friends and families of inmates that we well may be on the road to establishing a substantial cost factor to the State of Maine. While this initially has the tone of no cost, I can't see where it is not going to require at least some cost to set up the rooms even that are going to be necessary for these private visitations to provide for cots or what have you to effect the conjugal visits which are and which will be available under this bill.

I would point to the last paragraph of the amendment. Officials, employees, and agents at such prison reformatory or institution shall not impose upon the privacy of such visitation without just cause? Such cause shall be stated specifically in said rules and regulations. I am sorry but I can't bring myself to accept this here in the State of Maine at this moment. I think that I have been labeled in part as a flaming liberal in certain areas. So, at this moment I would — I will retract that, but in any event I think there are in certain areas. In view of my position I would move the indefinite postponement of this bill and all accompanying papers.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask the gentleman from South Portland to take a good look at that amendment. The amendment is strictly permissive for the department. It says they may establish rules, they may establish private visitation rights, it is not mandating a thing. It just gives the department the authority if they feel that they have the space and the time and the manpower that they can give these private visitation rights and it specifically requires that they give the top priority to those persons who were not eligible for any work release or any type of furlough programs, approximately 25 percent of the inmate population. I don't think that this bill is going to open any doors or provide any type of great times for the inmates. I think it is going to provide a chance for some of the inmates to sit down with a doctor or with their family, with their lawyer to discuss things in private. If any one has ever seen any of the visiting rooms at the institutions you will know that there is absolutely no way that they can get any type of privacy in those rooms.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that we do postpone this bill indefinitely and I would like to...

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

Mr. LaPOINTE: Mr. Speaker and Mem-

bers of the House: Could the Chair instruct the Clerk to read the committee report?

The Committee Report L. D. 1474 was read by the Clerk.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps we should have put it down in black and white. The visiting time was more or less agreed that it would be about two or three hours and it would be within the institution. It wouldn't be a certain-we wouldn't have to be building houses or anything like that.

One of the boys who testified had been out of jail for about two days. He had been in for two years and he was telling us that the conditions that they have to meet under. There are over 100 inmates with their visitors and they really can't talk about family problems and it is very frustrating. They can't settle anything in bedlam like that, and that is mostly the reason I went along with it. I figured they could have some time when they could talk to their families and get to know each other that way. This is the way I felt.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: My first reaction to this bill was something else. I didn't like it one little bit. After the hearing, as was just brought out, after being on this committee and hearing the people testify, I have changed my mind only because it is permissive legislation. As Mr. Goodwin has already said, we are not mandating anything, it is only permissive legislation. If the warden feels that it would be in the best interests of one of his inmates then he would have the prerogative of doing this. We are permitting him to do what he thinks is necessary.

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

Mr. JACKSON: Mr. Speaker and Members of the House: I again would reinforce this permissive legislation. This has been done in southern prisons very successfully. Even if you have no regard and don't worry about the prisoner and thinking he is getting his just desserts, I think you should give some consideration to the family and the strains that are put on the families when a member of the family is locked up. This type of thing may allow the family unit to survive, particularly in the case of short prison terms.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I'm very much like my good friend from Hope. I too, was opposed to the original bill that was presented before our committee, but after listening to the testimony of those who appeared before our committee, I felt that we had to come up with a committee amendment to provide for visitation rights.

I think the thing that impressed me the most was one of the young men who appeared before the committee. He had just gotten out of Thomaston, he had been out for two days. One of his chief complaints, one thing that had really upset him was that his mother had been dying and had since died and nowhere at the prison was there a place where he could sit down with his family in private and have a visitation. I really don't think it is the intent of the legislature or the people of Maine to not provide this kind of opportunity when the

warden of the prison deems that it is necessary to give an inmate some time with his family and his close friends and his legal and medical advisors.

I would urge you to support this committee amendment and I have great faith that the warden and the directors of the various institutions are not going to create rules and regulations that are going to cause them a great deal of trouble and they shall be reasonable with this particular bill.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Perkins, that the House indefinitely postpone this bill and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Carey of Waterville 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 will vote yes; those opposed will vote no.

A vote of the House was taken and more than one fifth of the members 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: It is bills like this that always comes up that defends the person who commits the crime. He is there for a reason and yet we, in society, do everything we can for the person who commits the crime and we don't stop and think how did he get there in the first place. I won't mention about the murders or those things, I will talk about today stealing a car or causing an inconvenience or killing a kid or hitting someone like that. What about the inconvenience that the crime that was committed against the people? What about that for a change? Not once in any bill that has ever come up before this legislature have we ever talked about the innocent person or people that was inconvenienced or that get hurt. It is always the person who commits the crime, protect him, do for him, it is never the person who has been hurt or who have lost someone that they love. What about those people? It is always the people that are in prison. They are there for a reason. The point is, let's do something for the people who are inconvenienced or someone that has been injured by the person that has done this.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Those of you that know me know that there is one subject area in which I consider myself quite conservative and that is the area of law and order and criminal law. Like the gentleman from Westbrook will remember that I was one of two signers of his death penalty bill. I do strongly support this bill, however, since it will protect the family unit and will solve many more problems than I believe it will create. If I had known that this bill was going to be offered, I would have asked to co-sponsor it. I do hope you support this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from South Portland, Mr. Perkins, that the House indefinitely postpone this Bill, "An Act Relating to Private Visitation and Rehabilitative Process at Correctional Institutions",

House Paper 1181, L. D. 1474, and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Berube, Blodgett, Bowie, Burns, Bustin, Call, Carey, Conners, Cote, Curran, R.; Dam, DeVane, Doak, Drigotas, Dudley, Dyer, Faucher, Fraser, Gauthier, Gould, Gray, Hewes, Hunter, Immonen, Kauffman, Laffin, Littlefield, Lizotte, Lunt, Martin, A.; Morton, Perkins, S.; Perkins, T.; Pierce, Raymond, Rideout, Shute, Silverman, Spencer, Stubbs, Susi, Truman, Walker.

NAY — Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Birt, Boudreau, Byers, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curtis, Davies, Dow, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessy, Higgins, Hinds, Hobbins, Hughes, Hutchings, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Rolde, Rollins, Saunders, Snow, Snowe, Sprowl, Strout, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Webber, Wilfong, Winship.

ABSENT — Carpenter, Carroll, Jacques, Palmer, Quinn, Smith, Theriault.

Yes, 45; No, 97; Absent, 7.

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

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

Enactor

Later Today Assigned

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

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

On motion of Mr. Strout of Corinth, tabled pending passage to be enacted and later today assigned.

An Act to Clarify the Definition of Watch, Guard or Patrol Agency (H. P. 1299) (L. D. 1575)

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

An Act to Establish Legislative Control over Licensing Standards for Ambulance Services and Personnel (H. P. 1348) (L. D. 1653)

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

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill just in the last couple of days has been brought to my attention by several doctors in my area and along with a couple of hospital administrators and they have some concerns over it which I would just like to share with

you a little bit today, then perhaps we can get a little bit of discussion on the bill before we pass it one way or the other.

Their feeling on it is that there has been some great improvement in the medical services and the ambulance attendants over the last few years because of the improved programs they have had for training and they are very concerned with the fact that we are not going to turn the standards and licensing and so forth over to the legislature from the Department of Health and Welfare. One of the questions which they ask, which I really have not been able to find a satisfactory answer to is that, and I might quote from one of the letters which I received was "why are you removing the deliberative process of the board from the non-partisan technical arena of the regulatory body to the volatile political stage of the legislature?"

I certainly can sympathize with some of the smaller towns who evidently are affected by the volunteer ambulance services and have some problems under the present system. However, I think we should at least discuss this a little bit today. What I am not sure of is if this bill is the proper vehicle for them to address their problems and if this is indeed the answer. Perhaps one of the sponsors might address this question. I am not going to make a motion on it at this point until I do hear some discussion on this nature.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to touch on one subject. This does have a committee amendment on it and part of the committee amendment was to take out the section where the legislature would approve the licensing standards. We left that with the Department of Health and Welfare and, basically, what we did was draw up a few standards to give Health and Welfare to have to go by before they license ambulance services.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I think that this legislation which I have had no part in, however I have had a lot of thought given to it in the past has been brought about by a condition which has been fostered upon our communities as far as ambulance service is concerned.

You and I both know that we have that fear of the growth of the bureaucracy here in Augusta promulgating its rules and regulations. Unfortunately some times, I feel, and I think that there are many folks among us who feel this same way, are now at a point where you have the volunteer type ambulance service, you have the regular service, you have the lease service, you have fire departments, such as on Mt. Desert Island, we have a terrific ambulance service down there, we have had a summer residency which has been real interested in donating or partially paying for vehicles for our use. We are very, very fortunate but my boys tell me, around the fire stations and these places. "Jim, if we don't cut out this business of making these rules so stiff, we are not going to be able to get a man off the street who can take time to attend the schooling, do the requirements and all that is fostered upon them in order to qualify as ambulance drivers. We are very fortunate, again, in Hancock County, in most instances, that we do not have great long

runs to a medical center, whereas in some of our more rural areas, I understand, that we have extensive long runs to the centers. I think that the gentlemen who have brought this bill about, and I agree very much with Mr. Pierce from Waterville, it is very difficult to argue against his argument that we don't like to be putting any more strength or putting something over into the hands of the legislature, but I do think there is a growing fear within our small communities and even in our cities that if we don't stop and sit down and regulate this thing and find out where it is going to stop trying to make it so difficult for these gentlemen to get on the services, they are strictly voluntary, a lot of them, and we have got a course now which I understand is being carried out quite adequately by some of the local hospitals and doctors in the areas but we are just piling it up here gentlemen and there has got to be a screeching halt because if you don't you are going to drive them all out. As a matter of fact, you have got some in the very rural areas teetering on the fence now.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. La-Pointe.

Mr. LaPOINTE, Mr. Speaker, Ladies and Gentlemen of the House; this is really a freedom fighters special. I think the Health and Institutional Services Committee took a good hard look at some of the rules and regulations that are being promulgated by the particular division or bureau within the Department of Health and Welfare that is responsible for emergency services, particularly through the area of these voluntary ambulance services.

I would like everyone to take a look at the amendment, it is filed under H-481. What the committee attempted to do was put some language into the chapter as it relates to ambulance services and outline the very specific procedure, very definite sort of language, a procedure that the department had to go through as it relates to the promulgation of rules and regulations. What we did in section three of this particular bill, of this committee amendment, was to incorporate some limitations in the educational requirements that the department really had carte blanche in. What the committee has attempted to put out an amendment which attempts to meet the needs of the voluntary ambulance association people and also to build in to the language that exists on the books through this proposed amendment, a limitation on how far the bureaucracy can go in establishing rules and regulations. I would ask you all to look at H-481. I think you will find that it is a very, very satisfactory amendment and I think it meets the needs of a lot of people as it relates to voluntary ambulance services.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: This bill was initially put in as a result of a meeting that was held in the rural part of Cumberland County with about six different ambulance rescue unit services that were extremely concerned about an educational requirement that was going to be put into effect which would have required 83 hours of training before a person could be licensed to work in a rescue unit. The concern that was expressed by these groups was that they wouldn't be able to recruit volunteers to join the units if they had to go through a program which would require them to go

to school for two or three nights a week for something on the order of 14 weeks with a course being held as much as 50 miles from the town where these people lived, and with the courses costing as much as \$75. The committee amendment still allows the department to require the EMT course but what it provides is that the course has to be offered in the area of the town where the rescue unit is located before it can be required, so that we won't create a situation where we are requiring volunteers to spend their own money to drive great distances two or three times a week before they can even volunteer to help haul us into the hospital. The concern that was expressed was that if they weren't able to get the volunteers, a lot of these rural rescue units would eventually close down because they weren't able to get the personnel.

I think what this bill would do is it would allow the department to establish this requirement but require them to do it gradually as they had made the course available to the various units. I think that it won't have an adverse effect on the quality of care but it will require the department to treat the rescue units in a fair way and not to impose requirements on them that they simply can't meet.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: Not too long ago sitting here in the House, we heard debate on whether or not we should increase from 1,500 hours to 2,000 hours in order to license a barber. I would like to say to you at this moment, that under this amendment, you are treading on rather thin water for the simple reason that in that section seven limitation and in case some of you don't have it before you, I will be glad to read it and hopefully you will bear with me. "Successful completion of an emergency medical training course shall not be required as condition for licensing of volunteer personnel in any municipality with a population of less than 10,000 persons unless the department finds. . . ." I will not read any more of it. It states very clearly to me, as I see it, and if somebody can tell me that I am wrong, I would be very glad to stand corrected. That particular sentence in there says, to me, that you are not going to require them to be licensed.

I have been in the ambulance business for four years now, as ambulance director of a small crew in Rangeley of 94 persons. Our shortest run to a hospital is 43 miles. We work six days a week. We don't have 40 hour weeks like we do in factories and other places. We have now 17 members, most of them have taken anywhere from 50 to 60 to 80 hours training because we do live back in the boonies and we do need that training and we realize it. We have traveled two nights a week, if you want to, 40 miles down the road to Farmington to take these courses. As an ambulance director, I was able to get a state sponsored course into Rangeley which was a 45-hour course, which was put on by the Department of Health and Welfare in order to get training to the back woods areas.

I tell you, ladies and gentlemen, that it seems a little ridiculous that we sit here and want a barber to have 2,000 hours training just to cut our hair and here we are trying to minimize the standards by which we are going to train people and have them licensed to handle our bodies and our lives.

Yes, I am upset by this because the time that I have put into it and with the progress

that we have made in this state, under the present situation, which we are in before this bill came along, has been fabulous. At one time, we were stated as being ninth in progress in ambulance service in the United States. I don't believe that the people who have brought us this far are in the business to put ambulance personnel and ambulance services out of business in these communities. As far as the hearings and that, the proposed requirements they had set out that caused all of the trouble, and I did go to Hermon to a meeting of several ambulance crews there and their biggest objection was definitely that this was what the requirements were going to be. This was not the case since that time there have been several hearings throughout the state by the Department of Health and Welfare or the Emergency Medical Coordinator or the DOT or where ever you want to go and these requirements to some degree have been changed.

I would seriously question, in this amendment, whether we are doing what we really want to do with it.

Again, if somebody can prove to me or show me that what we are saying is not what I read in this amendment, I would be very happy to stand corrected but as far as I can see it now, I am a rather simple minded fellow but it says to me, that any municipality less than 2,000 persons, successful completion of emergency medical training corp shall not be required as conditions for licensing. My question would be, what is the conditions for licensing in that particular instance? Are you going to require any training at all?

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

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: Again, I would ask you to either look at your amendment on the engrossed copy of the bill which is filed under 630-1. Because there seems to be some confusion, I would like to go through it briefly as to exactly what it specifies.

The first section, which is section 5, just says that when standards will be set up for licensing purposes by the Commissioner of Health and Welfare that one of the facts that will be added into that consideration is that they should take into consideration the unique problems that ambulance services find in the rural areas of the state, when those ambulance services rely wholly on volunteers. The only mandate there simply is that the department take the unique considerations for rural areas into effect when they make up their rules and regulations.

Section two, simply demands that when rules and regulations are going to be promulgated or there are going to be any changes made, that they have a public review period of 60 days after public hearings, and that seven days notice of public hearings are posted in newspapers throughout the state be given.

Section three, simply says that when the Department of Health and Welfare puts out its rules and regulations on licensing of ambulance services which they presently do now, there is a limitation on that. The limitation is that they cannot require a completion of an emergency medical training course, which I understand, requires about 83 hours of training, unless they find that there has been an EMT Training course, in fact, offered in the

area where the people live and that either state or local authorities have paid for at least two thirds of the costs of that course. It, in no way, takes away any of the rights the department now has to license ambulance services. It just says that this one limitation on EMT course cannot be required unless those two other conditions, A and B have been met, and the city population also is cities less than 10,000 not less than 2,000.

I would like to maybe give you an example of what might happen with the EMT medical training course. I think the farthest one away from where I live is about an hour and a half away and it might take 20 weeks to complete that course. If one of the people were coming over for the ambulance services which live on an island they would have to take 24 hours off from their time of work, stay over night, in order once a week for about 20 weeks in order to meet that course.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the cosponsors of this bill. Briefly, to give you some of the background and the reason that I cosponsored it, in the last session of the legislature, I sponsored a bill to provide state funds to pay two thirds of the cost of these emergency medical training courses for ambulance personnel. That bill was passed and was funded.

At that time, there was a little rumbling of opposition, even to my bill, because some of the volunteer groups felt that it was possibly a foot in the door to having these courses mandated. I made it very plain at the time, at the hearing when I presented my bill, that I would oppose any mandation of EMT courses. Subsequent to this, the department did indicate that they would put out regulations mandating EMT courses, which made me very unhappy, and that was one of the reasons I cosponsored this bill, because I felt that that was going to cause very severe difficulties for volunteer groups and it also went back on what I felt had been a commitment made to me.

This year I also sponsored legislation to provide funds for volunteer ambulance groups to take these courses, and I understand there are some funds in the Part I budget that will be available for this.

Looking at the amendment, I think the committee has done a very good job of compromising in the fact that they could not require that these courses be held unless there was an emergency medical training course within ten miles and that the local paying two-thirds of the cost is enough of a safeguard and it certainly satisfied me. I hope you will go along with this amended bill today.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't buy this type of legislation. It delegates authority from this House to anybody. If they want a book of rules, write the book of rules and we will either pass it or not pass it.

We have got too many of these departments. I won't mention the Insurance Department or any of them. They are just dying to write a book of rules. As I read this, this does just that, lets them write the book of rules. This I am opposed to, for this department or any other department. I am satisfied that we can — we are capable, at least I think I am, of passing judgment on a book of rules, if they want to write the book of rules and put it before us. We will

pass it or we will condemn it, but I don't want to give them a blank book and like giving them a checkbook, say write the check and I will sign it.

I say to them and every department, while I am on my feet, write your book of rules and we will vote on it. We will pass it or we will condemn it, but I am not going to give you a blank check and say write a book of rules and I condone it, because I don't. This is why I am opposed to this type of legislation.

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

Mr. SPROWL: Mr. Speaker and Members of the House: I think this bill was designed to do just the opposite from what the gentleman from Enfield has just stated. The problem was that the Bureau of Health and Welfare was mandating rules to the towns or to the ambulance people, and this law is to make sure that we know what these departments are mandating; therefore the hearing, therefore our approval before they mandate this. This works in just the opposite from what has just been stated.

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

Mr. PIERCE: Mr. Speaker and Members of the House: I guess I opened up a little more of Pandora's box than I thought I was going to this morning when I asked for a little discussion on this matter. I would just like to say that it does seem ironic to me that perhaps the smaller towns that really need the better trained people are in fact perhaps not going to get them, but I am willing to go along with them if that is what they want, and I am not going to make a motion on this this morning, except I do want to go on record as saying that I am very much opposed to the legislative control of this.

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

A vote of the House was taken.
85 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

An Act to Authorize any Alleged Rape Victim to Obtain a Physical Examination at the Expense of the County in which the Alleged Rape Took Place (H. P. 1372) (L. D. 1685)

An Act Relating to Roads and Ways (H. P. 1478) (L. D. 1704)

An Act Appropriating Funds to Move an Indian Dwelling on the Penobscot Indian Reservation (H. P. 1377) (L. D. 1708)

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

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.

Orders of the Day

The SPEAKER: Reference is made to a Bill recalled from the Engrossing Department pursuant to Joint Order, H. P. 1649.

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

In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-380) and by House Amendment "A" (H-503)

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

Mr. FAUCHER: Mr. Speakers, Ladies and Gentlemen of the House: I am the House Chairman on the Committee on Engrossed Bills. In my capacity as chairman of the Committee, I would like to move the rules be suspended for reconsideration.

Thereupon, on motion of Mr. Faucher of Solon, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-606) was read by the Clerk and adopted.

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

On motion of Mr. Faucher of Solon, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-503) was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed.

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

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

The following Communication:

The Senate of Maine
Augusta

June 2, 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 Indefinitely Postponed Bill, "An Act Relating to Motor Vehicle Excise Tax" (S. P. 293) (L. D. 1018).

Respectfully,
s/ HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Regulating Procedures under the Municipal Public Employees Labor Relations Act" (S. P. 363) (L. D. 1166)

Committee on State Government reporting "Leave to Withdraw on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation (S. P. 1) (L. D. 1)

Came from the Senate with the Reports read and accepted. In the House, the Reports were read and accepted in concurrence.

Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-226) on Bill "An

Act Relating to School Administrative District No. 53" (S. P. 526) (L. D. 1891)

Committee on Veterans and Retirement reporting "Ought to Pass" as amended by Committee Amendment "A" (S-229) on Bill "An Act to Amend Certain Eligibility Dates for the Pay Adjustment Granted to Certain State Employees and Officers" (S. P. 412) (L. D. 1311)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed as amended by Committee Amendment "A"

In the House, the Reports were read and accepted in concurrence and the Bills read once. Committee Amendment "A" to each was read by the Clerk and adopted and the Bills assigned for second tomorrow.

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Relating to Exemption of the East Auburn Community Unit, Inc. from Property Taxes" (S. P. 482) (L. D. 1613)

Report was signed by the following members:

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

Messrs. DRIGOTAS of Auburn
SUSI of Pittsfield
FINEMORE of Bridgewater
COX of Brewer
MULKERN of Portland
DAM of Skowhegan
MORTON of Farmington
— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.

Messrs. MAXWELL of Jay
IMMONEN of West Paris
TWITCHELL of Norway
— of the House.

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

In the House: Reports were read.
(On motion of Mr. Rolde of York, tabled pending acceptance of either Report and specially assigned for Thursday, June 5.)

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-203) on Bill "An Act to Clarify Certain Provisions of the Tax Lien Law" (S. P. 373) (L. D. 1200)

Report was signed by the following members:

Messrs. MERRILL of Cumberland
WYMAN of Washington
JACKSON of Cumberland
— of the Senate.

Messrs. DAM of Skowhegan
COX of Brewer
MORTON of Farmington
DRIGOTAS of Auburn
SUSI of Pittsfield
MULKERN of Portland
— of the House.

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

Report was signed by the following members:

Messrs. MAXWELL of Jay
TWITCHELL of Norway
IMMONEN of West Paris
FINEMORE of Bridgewater
— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-203) was read by and accepted and the Bill passed to be engrossed as amended.

In the House: Reports were read.

On motion of Mr. Drigotas of Auburn, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (S-203) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act to Revise the Fish and Game Laws" (H. P. 1425) (L. D. 1817) which was Enacted in the House on June 2.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-457) and Senate Amendment "B" (S-222) in non-concurrence.

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

Bill "An Act Relating to Risk Sharing Plans in the Field of Property Insurance" (H. P. 1160) (L. D. 1459) on which the "Leave to Withdraw" Report of the Committee on Business Legislation was read and accepted in the House on May 12.

Came from the Senate with the Bill substituted for the Report and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-245) in non-concurrence.

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

Mrs. CLARK: Mr. Speaker and Members of the House: Before the House takes action on this item this afternoon, it might be wise to share with you a little background knowledge as to L. D. 1459.

L. D. 1459 was introduced by the gentleman from Portland, Representative Connolly, under the title "An Act Relating to Risk Sharing Plans in the Field of Property Insurance." The bill was advertised and scheduled for public hearing. Prior to that time, the gentleman from the other body and myself, as Chairpeople of the Committee on Business Legislation, received in writing a written request from the sponsor of this measure asking leave to withdraw. That request was granted by the Committee on Business Legislation and the bill was reported out on the 13th of May of this year. This House accepted the leave to withdraw report and the bill was sent to the other body. In the other body, the bill was tabled unassigned on the 14th day of May, 1975. Since that time, occurrences have taken place which would lead me to suspect that perhaps there has been a deviation from the normal legislative procedure with relation to this item.

As you can see, if you look at the amendment, the amendment, in fact, replaces the entire bill, including the title. What was once a bill to deal with risk sharing plans in the field of property insurance is now a bill to deal with risk sharing plans in the field of malpractice insurance.

As the Chairwoman of the Committee on Business Legislation, I would suggest that this is not the most desirable process by which a bill of this nature be introduced to the legislature.

Under suspension of the rules, a bill might have been introduced to deal with and address the issue which concerns physicians and surgeons across the country, an issue with which we are all familiar.

I would suggest that by replacing all of

that which was originally L. D. 1459, including the title, is, indeed, a travesty in legislative process. However, all avenues have expired, a crisis is building in the State of Maine relative to malpractice insurance, and with considerable reluctance, I would move, Mr. Speaker, that the House recede and concur.

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

Mr. CONNOLLY: Mr. Speaker, I would like to pose a question to the Chair. When I asked leave to withdraw on this particular bill, it was my intention that I would like to introduce it in the special session. I would assume then, because the title has been changed and the content of the bill has been changed and the leave to withdraw is no longer on the bill, will the legislation still be allowed to be introduced in the special session?

The SPEAKER: The Chair would indicate, and obviously he is only one member of the Reference of Bills Committee, but it would be the opinion of the Chair that the bill which was introduced by the gentleman from Portland, Mr. Connolly, was not in fact introduced because it has been completely changed and it would be in order to reintroduce it again at the special session.

Thereupon, the House voted to recede and concur.

Bill "An Act to Create the Commission on Education Finance" (H. P. 1622) (L. D. 1897) which was passed to be engrossed as amended by Committee Amendment "A" (H-507) in the House on May 29.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-507) and Senate Amendment "A" (S-244) in non-concurrence.

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

On Motion of Mr. Albert of Limestone, it was

ORDERED, that Frank Kauffman of Kittery be excused June 4th, 5th 6th, for personal reasons.

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

Bill "An Act to Clarify the Laws Relating to Municipalities" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-231) (S. P. 236) (L. D. 815)

Bill "An Act to Clarify the Municipal Regulation of Land Subdivision Law" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-230) (S. P. 465) (L. D. 1518)

Bill "An Act to Create a Construction Loan Program in which the Maine Housing Authority and Financial Institutions May Participate" (Emergency) — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-234) (S. P. 192) (L. D. 660)

No objections being noted the above items were ordered to appear on the Consent Calendar of June 4 under listing of the Second Day.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Utility Rate-making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies." House Paper 1306. L. D. 1590, the

Speaker appointed the following Conferees on the part of the House:

Mr. KELLEHER of Bangor
Mrs. POST of Owls Head
Mr. LUNT of Presque Isle

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

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Public Utilities on Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay (H. P. 1154) (L. D. 1448)

Tabled — May 30, by Mrs. Najarian of Portland.

Pending — Acceptance of Either Report. On motion of Mr. Kelleher of Bangor, the Minority "Ought to pass" Report was accepted, the Resolve read once.

(On motion of Mr. Kelleher of Bangor, tabled until later in today's session.)

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

House Divided Report — Majority (7) "Ought Not to Pass" — Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-550) — Committee on Election Laws on Bill "An Act to Create a Presidential and Vice-Presidential Primary Election" (H. P. 971) (L. D. 1212)

Tabled — May 30, by Mrs. Boudreau of Portland.

Pending — Acceptance of Either Report. On motion of Mrs. Boudreau of Portland, tabled pending acceptance of either Report and specially assigned for Thursday, June 5.

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

House Divided Report — Majority (7) "Ought to Pass" — Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-564) — Committee on Judiciary on Bill "An Act to Clarify the Laws Relating to Superior Court Commitment of Mentally Disordered Persons." (H. P. 170) (L. D. 225)

Tabled — May 30, by Mr. DeVane of Ellsworth.

Pending — Motion of Mr. Hobbins of Saco to Accept the Majority "Ought to Pass" Report.

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

Mr. DeVANE: Mr. Speaker, I would address a question to any member of that committee that might enlighten us as to the content or intention of the House Amendment. In other words, the question I would raise is, what is the difference between Report A and Report B?

The SPEAKER: The gentleman from Ellsworth, Mr. DeVane, has posed a question through the Chair to any member who may care to answer.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I would enjoy very much trying to explain the two reports. Unfortunately, I can't find the report and have just found the bill. For that reason, I would merely ask that it be tabled until later in today's session and I will do my utmost to get the reports out and figure it out.

Thereupon, on motion of Mrs. Najarian of Portland, tabled until later in today's session.

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

Bill "An Act Concerning the Land Use Regulation Statutes" (H. P. 1040) (L. D. 1330)

Tabled — May 30, by Mr. Palmer of Nobleboro.

Pending — Adoption of Committee Amendment "A" (H-558)

On motion of Mr. Doak of Rangeley, tabled until later in today's session.

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

Bill "An Act to Require Ferries Operating in Casco Bay to be Equipped with Radar Devices" (H. P. 1151) (L. D. 1445)

Tabled — May 30, by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed. On motion of Mr. Mulkern of Portland, tabled until later in today's session.

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

Bill "An Act to Permit Public Use of State Docking Facilities in Casco Bay" (H. P. 1051) (L. D. 1433)

Tabled — May 30, by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed. On motion of Mrs. Clark of Freeport, tabled until later in today's session.

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

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

Tabled — May 30, by Mr. Rolde of York.

Pending — Passage to be Engrossed. On motion of Mr. Rolde of York, tabled pending passage to be engrossed and specially assigned for Thursday, June 5.

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

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

Tabled — May 30, by Mrs. Najarian of Portland.

Pending — Passage to be Enacted. The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker and Members of the House: I am very concerned about a bill such as this, and I would like to make the motion before I carry on to indefinitely postpone this bill.

I would like to give you a good reason why I don't approve of this bill. Imagine if someone is under my employ and I know and I have caught him stealing from me. I let him go and you ask me for a reason on paper, the reason why, I turn around and tell the truth and put down the reason I let him go was because I caught him stealing. He turns around and sees an attorney to sue me for defamation of character. I have to turn around and hire an attorney to defend myself.

Do you know what we are doing? We are discouraging people from becoming employers. And do you know what happens when we don't have employers? We don't have employees. So I hope we start realizing that we should start having a little consideration for the employer and stop putting all these unneeded laws in making it almost impossible for anyone to go into business.

Mr. Faucher of Solon requested the Clerk to read the Committee Report.

Thereupon, the Report was read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would like to very briefly describe to you the feelings of the Labor Committee which did give this bill a unanimous "Ought to pass" Report.

The bill is very simple. I will read one sentence to you. "An employer shall, upon written request of the affected employee, give that employee a written reason for the termination of his employment." All we are saying is that if somebody is terminated for any reason whatsoever, that Maine citizen, that Maine worker, ought to know why. That is all. It doesn't change any of the law; it doesn't limit someone from firing any individual. If an employer wants to fire an individual or let him go, for whatever reason, he or she can just do it, subject only to the limitations of the Human Rights Act. There are no restrictions. It is very simple. If a person is canned, he ought to know why.

A hypothetical situation which I can imagine happening, maybe quite rarely, perhaps, that Mr. Lizotte posed to this House, this person was caught stealing and the employer put that down as indeed he was caught stealing and that was why he was let go. First of all, I can't imagine someone who was caught stealing asking for the reason why he was let go. Let's say he does. There is no legal action for defamation of character in such a case.

In order for an employer to be liable for defamation, there has to be some degree of publication of the defamed material. In other words, if the employer went out and wrongly put a sign out on his front saying I fired Joe Smith because he was a bad worker, then he might be liable. But if he merely types it up on a piece of paper and hands it to the person, he hasn't given it to people that could be involved in defamation of character. But even more important is the question of defamation suit is that truth is perfect defense and you can never be sued for defamation as long as you are telling the truth. Certainly the employers in this state are truthful individuals.

The benefits of such a bill far outweigh this type of rare problem. The benefits are that if a person leaves work, perhaps not fired, just leaves for his own reason, he might want a statement from his employer which says this person was a good worker, this person was not fired, this person left of his own will, this person left because of sickness, and this was just a record this person could keep for when he went to look for another job with another employer at another site. He could simply present this to his new prospective employer as proof that he was a good worker in his prior place of employment.

It is a good bill; it is a simple bill. It received unanimous support, and I hope we do pass it to be enacted.

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

Mr. HEWES: Mr. Speaker and Members of the House: Just in rebuttal briefly. The gentleman from Durham, Mr. Tierney, said that a person could not be sued if they were telling the truth. I would submit they can be sued. Whether or not there would be a successful maintenance of the action is something again, but there could be the suit even though in fact, I may sue any of you right now if I want to for defamation of character, not that I could maintain that suit.

I would also like to point out that the gentleman from Durham said that this was a private communication between the two parties. But then he went on to say that the written letter would be typed. In our office, anyway, it is the secretaries who do the typing, and so there would be somebody else who would have the knowledge and I would submit that that is sufficient to be the basis of a successful defamation of character suit, if in fact that allegation cannot be established as being a crook or something of that nature.

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

Mr. CALL: Mr. Speaker and Members of the House: This is decidedly a bad bill, let's kill it.

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

Mr. NORRIS: Mr. Speaker, Members of the House: I would ask a question through the Chair of the good gentleman from Durham, Mr. Tierney, if there is anything in the law now that prevents an employer from giving a written reason for termination if he so desires. This whole thing makes it mandatory and I think if an employer wants to give a reason, why that's fine but I see no reason to force them to do it, have a one way street.

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

Mr. SNOW: Mr. Speaker and Ladies and Gentlemen of the House: While this bill was under consideration, as a member of the committee, I was approached by some Representatives of large manufacturing organizations who said they would endorse the measure and thought it was a good measure provided the employee had to request the reasons for his discharge. The original bill, as I recall it, required that the employer present the reasons. The committee amended this to show that the employee must ask for the reason. As I say, this appears to be supported by some of the larger employers in the state.

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

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: There is a problem in this area and it comes when someone leaves their employment for whatever reasons and there probably is some bad feeling because the employer then has to train another individual and the employer is standing in a position where somebody calls him and says "well, how did this fellow work for you?" and he is in a position to really keep this guy from getting new employment and it does happen and I've handled cases where I've gone back to these employers and said "what seems to be the problem here?" and they've been reluctant to put anything in writing. In fact, in a couple of cases, they gave this individual a good recommendation after I did talk with them. I think that being able to request the reasons in writing will cut back on some of these employers who do practice a little blackballing in this method.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I believe you have heard just about everything you want to hear on this bill, it came out of committee "unanimous", it is my bill and I think it's a good bill.

I am an employer myself, I employ quite a few people and I hope you don't go along with that motion, and Mr. Speaker, I request 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. 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.

Mr. Truman of Biddeford paired his vote with Mr. Davies of Orono. Mr. Davies would be voting no and Mr. Truman would be voting yes.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I defend this bill, I was asked to speak on it, I really don't feel I can do this bill justice, it is a good bill, I am an employer but I don't feel like making long speeches, to be truthful with you, but what this bill simply says is that, if you are an employer and you fire a person, that person has the right to ask you why you fired him. I know when I fire anybody they never come back and ask for a letter but I'm sure that there will be some and it is the protection of the worker and I want to apologize to the Labor Committee for not being prepared on this and I'm not doing a very good job.

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

ROLL CALL

YEA — Albert, Ault, Bowie, Call, Carey, Carpenter, Carroll, Carter, Connors, Curran, R.; Curtis, Doak, Durgin, Dyer, Farnham, Fenlason, Garsoe, Gauthier, Gould, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Kauffman, Kelley, Lavery, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, McBreairty, Morton, Norris, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rideout, Snowe, Susi, Tarr, Theriault, Torrey, Tozier, Twitchell, Walker, Webber.

NAY — Bacrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Burns, Bustin, Byers, Chonko, Churchhill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Dam, DeVane, Dow, Drigotas, Farley, Faucher, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Hall, Henderson, Hobbins, Hughes, Ingegneri, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, Martin, A.; Martin, R.; Maxwell, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Peterson, T.; Post, Powell, Quinn, Rolde, Shute, Silverman, Snow, Spencer, Sprowl, Strout, Stubbs, Talbot, Teague, Tierney, Usher, Wagner, Wilfong, Winship.

ABSENT — Blodgett, Dudley, Fraser, Greenlaw, Hennessey, Jalbert, Littlefield, Rollins, Saunders, Smith, Tyndale.

PAIRED — Davies, Truman.
Yes, 60; No, 76; Absent, 11, Paired, 2.

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

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

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

Mr. ROLDE: Mr. Speaker, having voted

on the prevailing side, I now move we reconsider our action whereby this bill was enacted and I hope you will all vote against me.

The SPEAKER: The gentleman from York, Mr. Rolde, having voted on the prevailing side now moves we reconsider our action whereby this bill was passed to be enacted.

The gentleman from Bangor, Mr. McKernan requested a division.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: One thing that was brought up in the debate did concern me and that is this third party who is typing this letter. I wonder if that is the way we want it or if this employer shouldn't have to give this reason in his own handwriting so nobody knows it but the employer and the employee. When a third party is involved I would question whether the person, if he is being fired for some reason that is not good for his record or against his character, I would think that he would want it to be kept more secret.

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

Mr. MCKERNAN: Mr. Speaker, Members of the House: If some of the other lawyers in the House can correct me, but I believe in defamation cases that communications typed by a secretary of an employer would not be considered publication and, therefore, the typing of this letter would have no implication at all.

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

Mr. NORRIS: Mr. Speaker, Members of the House: There is one thing here that I don't think we have taken into consideration. In reading the title, it is "An Act that Requires Employees a Written Statement for the Reason for the Termination of Employment," now this would look to me as if it could tend to lead into a fitness report, the same as you have in the military because every new employer could say to the employee "why did you leave your last job, what was the reason for your leaving?" and certainly with this in the law, a person who is applying for employment would have no excuse not to provide the written reason for the termination of their last employment or the employment before that, or before that, after this law goes into effect, so you may again, in your attempt to help the employee doing something that may be much more detrimental to him than you wanted to because he is going to have to have a record now because he is required by law to have a record of the reason that his employment was terminated previously.

The SPEAKER: A division has been requested. The pending motion before the House is reconsideration. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
51 having voted in the affirmative and 66 in the negative, the motion to reconsider did not prevail.

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. McKernan of Bangor the House reconsidered its action whereby L.D. 944 "An Act to Raise the Tax on Beer, Wine and Other Alcoholic Beverages to Provide Operating Funds for Alcohol Treatment Facilities," was passed to be engrossed.

On further motion of the same gentleman, tabled until later in today's session.

(Off Record Remarks)

On motion of Mr. Rolde of York
Recessed until 2:15 in the afternoon

After Recess
2:15 p.m.

The House was called to order by the Speaker.

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

Bill "An Act Relating to Deferral Charges Under the Maine Consumer Credit Code" (S. P. 198) (L. D. 684) — In Senate, Passed to be Engrossed.

Tabled — May 30, by Mr. Rideout of Mapleton.

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 tenth tabled and today assigned matter:

Bill "An Act Relating to Contracts of Teachers with Municipalities" (H. P. 1033) (L. D. 1339). — In House, Passed to be Engrossed as amended by House Amendment "A" (H-287) as amended by House Amendment "C" (H-300), thereto. — In Senate, Passed to be Engrossed. — In House, Receded and Concurring, May 28.

Tabled — May 30, by Mr. Carey of Waterville.

Pending — Motion of Mr. Kelleher of Bangor to Reconsider Receding and Concurring.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would thank the gentleman from Bangor, Mr. Kelleher, for holding onto this bill while I was away. I would certainly hope that we would reconsider receding and concurring. It is very possible that we could work out something with the other body in this matter, and I would hope that if we reconsider receding and concurring and defeat that motion and then we insist, we might get into a committee of conference.

I personally find it unfair that teachers who are employed by a municipality, for instance, can serve in the city government but municipal employees cannot serve on school boards. It is setting one class of municipal employees much higher than the other and it does create an unfair situation. I would certainly hope that we do reconsider.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for having to rush in here like this. I wasn't aware this was the next item on the calendar.

I would ask that we do not reconsider. I

would further ask — I don't know if anybody plans on it or not, but I would sincerely ask that we defeat any motion to table. This bill has been around for some time, it has been back and forth and back and forth and I would like to get it out of the way one way or another today. It would be one less that I have to worry about.

I would take exception to the remarks of the gentleman from Waterville, Mr. Carey, that this does not discriminate in any way, this particular bill, against any municipal employee. I also would take exception to his remarks in that I don't consider teachers municipal employees.

The last time we had this bill here, the gentleman from Skowhegan, Mr. Dam, raised a question about home rule. We have gone to the Attorney General's Office and the Deputy Attorney General, Mr. Benoit, has ruled that in his opinion this would not in any way usurp home rule. It would not in any way undermine or go against home rule. It would simply show the intent of the legislature that the cities, such as the one that Mrs. Bachrach represents and was discussed here before should perhaps take a look at their charters and consider revising them.

As I stated here the other day, before this bill was tabled, due to my own naivete, I did not question the germaneness of Mr. Carey's amendment when it was offered in this body, therefore I only have myself to blame. I wholeheartedly support the motion to recede and concur. I think that any motion forthcoming from the opponents of this bill, in talk of a committee of compromise or anything else, I submit to you is simply a method of killing the bill.

I would ask for a division on the motion to reconsider and I would hope that you would vote not to reconsider receding and concurring.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I didn't at all want to speak on this subject, but my name has been mentioned and I am sorry there seems to be some confusion, because I went down and spoke to Mr. Benoit myself last week wanting to get this clear in my mind. He assured me that if this were passed it would be state law and would supersede local law. So, I really don't understand where we are at this point. I would like to have this clarified.

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

Mr. CAREY: Mr. Speaker and Members of the House: Interestingly enough, two people have talked to the Attorney General's Office and I don't know if they talked to the same gentleman or not. I don't recall if Mr. Carpenter mentioned he had talked to Mr. Benoit — both have talked to Mr. Benoit. Mr. Carpenter has said that he has gotten word from the Attorney General's Office, that the gentleman spoke to Mr. Benoit, and we seem to have two different versions as to what happened out of the Attorney General's Office. One says yes, municipal charters would hold, and the other say no, the state law would supersede municipal charters and if there was ever any reason at all to keep this bill in a position where it can be looked at, now would be the time to reconsider the receding and concurring, putting it into a position where we could insist, get the committee of conference and the committee of conference itself would meet with the Attorney General and iron

out both sides, since both sides of the issue would be joined in that committee of conference.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: When I spoke to Attorney General Benoit on this bill, I had the same understanding that Mrs. Bachrach had. If this bill was passed in the state house here, this would supersede the home rule. I would like to affirm what he told me was the same thing that he told Mrs. Bachrach.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I took somebody's word that they had spoken to Mr. Benoit in the Attorney General's Office. Apparently they didn't or they didn't get the answer they told me. I apologize to the member of the body for that.

Now I will contradict myself and ask if somebody in the body would please table it for one day.

On motion of Mr. Rolde of York, tabled pending the motion of Mr. Kelleher of Bangor to reconsider receding and concurring and tomorrow assigned.

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

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

Tabled — May 30, by Mr. Rolde of York.
Pending — Passage to be Engrossed.

On motion of Mr. Perkins of Blue Hill, rebated pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Extend the Provisions of the Energy Emergency Proclamation" (Emergency) (H. P. 1152) (L. D. 1446). — In House, Passed to be Engrossed, May 21. — In Senate, Indefinitely Postponed, May 29, in non-concurrence.

Tabled — May 30, by Mr. Kelleher of Bangor.

Pending — Further Consideration.

On motion of Mr. Kelleher of Bangor, the House voted to insist and ask for a Committee of Conference.

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

Bill "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air" (H. P. 1191) (L. D. 1487) — In House, Passed to be Engrossed as amended by House Amendment "A" (H-405), May 28. — In Senate, Passed to be Engrossed as amended by House Amendment "A" (H-405) and Senate Amendment "A" (S-239), thereto, in non-concurrence.

Tabled — June 2, by Mr. Bennett of Caribou.

Pending — Motion of Mr. Peterson of Windham to Recede and Concur.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: Item thirteen, which is concerning L. D. 1487, was tabled and Mr. Peterson of Windham has moved to recede and concur. I am against this motion, particularly because of the

Senate Amendment. The bill, L. D. 1487, permits construction and operation and so forth by a municipality of an incinerator of the cone variety. The amendment is essence says that it is okay to build a cone burner, then the Department of Environmental Protection will let you know if it complies with regulations. I don't believe that a town would invest the money needed to construct on this basis. It will probably take between \$75,000 and \$100,000 to start one of those cone burners. The DEP can advise which cone-type burner qualifies. Therefore, the Senate Amendment must be eliminated from this bill as it affects all small communities and I would hope that the motion to recede and concur will be defeated and I ask for a division.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: The Senate Amendment only puts cone burners in the same category as it puts your open burning dump. It says that if you have a cone burner that it must not be a health hazard or hazard to the general welfare of the public. That is all this amendment does, and that is what we passed with the open burning dump extension. Remember that we exempted municipalities of less than 1,000 population from the requirements of the — we gave them a blanket exemption, if they didn't injure the health and welfare of the people in the immediate area.

What you are doing by this piece of legislation is totally exempting cone burners from the ambient air quality standards. What you are saying to communities that want to invest their money in these cone burners is that you are totally exempt from the ambient air quality standards that the rest of the communities in the state must meet.

My community, for one, has already met the ban on the open burning dumps and at great expense. It is not a rich community, it is a small community, and they have built a multiple chamber incineration plant at great expense to the taxpayers of my town. They are trying to comply with the law.

We did extend the ban on open burning dumps. This piece of legislation completely removes cone burners from any regulation and the Environmental Protection Agency, through testing, has proved that these types of incinerators, these cone burners, are not efficient, do not meet the ambient air quality standards. What we are doing if we pass this kind of legislation is saying to communities, you can't have open burning dumps that injure the health and welfare of the general public, but you may have cone burners that injure the health and welfare of the public. I don't think that the legislature wants to totally exempt cone burners. Cone burners are not illegal in the state, the state is licensing two of them, but they have been proven through tests that they are not efficient, they are very costly to the communities because they break down. This little gem completely exempts them. I would hope that we would recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I don't understand what difference it makes, if the people in Presque Isle want that cone burner, let's let them have it. For crying out loud, all of these laws you keep making up makes it harder and harder for those people to do what they want to with their

waste. I say go along with the way Mr. Binnette wants it.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I didn't expect to get up twice in one afternoon, but I would like to tell the gentleman from Caribou, Mr. Peterson, that he would be very well off if he stayed far away from those cone burners. Brunswick had one and it broke down in no time and Bath has taken theirs down and removed it it was so inefficient. They are built to burn wood waste and vegetable matter and if you put the general town waste that comes from the households in there, it is just not equipped to handle it. The draft system gets clogged up and the first thing you know, all you are doing is having an open burning dump with a wall around it and that is all it is.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I realize there has been some problems with cone burners; however, things are being improved all along. I was hoping possibly that the DEP could advise what type of instrument could be put in. Here they are saying that you put it in and afterwards we are going to tell you if it is any good or not. I say that with that amendment it just won't be done.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Natural Resources Committee that signed the Minority "Ought not to pass" on this bill, I think perhaps I better explain my position in it. I think what Mr. Peterson says, to some extent, is correct except for one small thing, and that is it is definitely stated by the DEP that a cone burner cannot meet air emission standards which are already set and which we, the State of Maine, have negotiated with federal standards to comply with. I think the DEP has said this very clearly.

I, for one, am unhappy to have signed that bill in the manner in which I had to, but being and feeling responsible, I felt that this was the way I had to go, because there is no sense in my saying I think you ought to do it when I know by law and by statute and by what has been said by the DEP that it isn't going to work, and by the experiences of other people which you have just heard, Mrs. Bachrach and some others in this same area. If there were some way for them to build this thing and spend their money and have their own experience without circumventing the law, I would be perfectly in favor of them experimenting and perhaps losing their money, because I like to see anybody take a gamble that wants to take it. Under the circumstances, I would say the best thing we could do would be to recede and concur because anything else we said would be the wrong way to go.

Mr. Peterson of Caribou was granted permission to speak a third time.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Mann of the DEP advised me the other day, if I understood him properly, that they had not made any studies of the emission controls of the cone burner. They have done some ambient work but nothing on the direct

emissions. I think that would refute what Mr. Doak has said.

The SPEAKER: The pending question is on the motion of the gentleman from Windham, Mr. Peterson, 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.

Mr. Peterson of Windham 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.

Mr. Peterson of Windham was granted permission to speak a third time.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I hate to consume a lot of time on an issue which seems minor, but I think that this House has to start looking at environmental legislation. I don't care which side of the issue that you may be on but let's look at these issues seriously and let's see the direction that we are going. Do we want to undo the things that we have done. This piece of legislation completely exempts communities from the air quality and ambient air quality standards if this piece of legislation is passed. That discriminates against all the other communities who are trying to come up with reasonable methods of disposal.

You are also jeopardizing state funds if you enact this piece of legislation, because we will be violating a contract with the federal government, and the federal monies that are matched, and I grant there is not a whole heck of a lot, there is \$192,000 in Environmental Protection Agency program grants, state funds, \$211,000, for \$403,000, but you could jeopardize the whole funding of your air quality laws in the state by passing this one piece of legislation which exempts cone burners which through an EPA study, which I have here, and I didn't bother to read to you people, it was done on teepee burners, cone burners, throughout the United States and on their effectiveness, and it showed in all cases that they were not effective. They didn't meet the ambient air quality standards.

If you want to jeopardize state funding, if you want to jeopardize the air quality laws of this state, then you will fail to recede and concur. The recede and concur motion only puts us in a posture whereby cone burners will come under the same regulations as open burning dumps. All the amendment does is say that if a cone burner is polluting and is causing health hazard, it won't be licensed, it puts some standards into it. This bill just automatically, completely, exempts cone burners which have been proven to be faulty. If that is the decision you want to make, make it. I personally think it is the wrong decision based on what I have been able to find out from EPA studies. I have done my best, I don't have any personal interest in this, I have no personal interest other than I think it is the wrong direction to go.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I don't think at the hearing, when this was conducted, that they stated that cone burners were the best type to have in the state or that if

would exempt them completely, the way I interpreted it. I do feel that Aroostook County, as we all know is in a unique position, they always are up there, they do have frozen ground a good many months out of the year and it seems almost impractical to make them have a land fill dump in Aroostook County because the dump would be piled up there so many months, all during the frozen wintertime, and then it would have to be buried in the spring when the ground thawed out.

The way I interpret this, this would only exempt them or I was under that impression, for two years and three months, the same as the other open burning dumps. If this is the case and they wish to continue their burning, I believe it is the city of Houlton, and until they could come up with a better method, I think it is only fair that we go along with them. I didn't think anyone said this was the best type to use for any definite period but, until something more practical can be brought up, the cone burner is the only thing they could use in that area.

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

Mr. SPENCER: Mr. Speaker and Members of the House: Could I pose a question through the Chair? Does this bill, as it is written, exempt the municipality from the ambient air standards if there are other sources of pollution within that municipality as well as the cone burner.

The SPEAKER: The gentleman from Standish, Mr. Spencer, poses a question through the Chair to anyone who may answer if they so desire.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Windham, Mr. Peterson, that the House recede and concur on Bill, "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air" House Paper 1191, L. D. 1487. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Boudreau, Burns, Bustin, Carroll, Clark, Connolly, Cooney, Cox, Doak, Dow, Drigotas, Gauthier, Goodwin, H.; Greenlaw, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jackson, Jensen, Kany, Kennedy, LaPointe, Leonard, Martin, A.; McMahon, Mitchell, Morton, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Peterson, T.; Post, Quinn, Rolde, Saunders, Snow, Spencer, Talbot, Tarr, Theriault, Tierney, Tyndale, Wagner, Wilfong.

NAY — Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Byers, Call, Carey, Carpenter, Carter, Chonko, Churchill, Conners, Curran, P.; Curran, R.; Curtis, Dam, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Gray, Hall, Hewes, Higgins, Hinds, Hunter, Immonen, Jacques, Jalbert, Joyce, Kelleher, Kelley, Laffin, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Morin, Palmer, Perkins, T.; Peterson, P.; Pierce, Powell, Raymond, Rideout, Rollins, Shute, Smith, Snowe, Sprowl, Strout, Susi, Teague, Torrey, Tozier, Truman, Twitchell, Walker, Winship.

ABSENT — Ault, Bowie, Cote, Davies, DeVane, Dudley, Goodwin, K.; Hutchings, Kauffman, Lizotte, MacEachern, Norris,

Perkins, S.; Silverman, Stubbs, Usher, Webber.

Yes, 50; No, 82; Absent, 17.

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

On motion of Mr. Peterson of Caribou, the House voted to insist.

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

House Report — "Leave to Withdraw" — Committee on Transportation on Resolve, Directing the Department of Transportation to Authorize Access from U.S. Route 1 to an Industrial Park in the Town of Woolwich (H. P. 1434) (L. D. 1712)

Tabled — June 2, by Mr. Leonard of Woolwich.

Pending — Motion of Mr. Berry of Buxton to accept the "Leave to Withdraw" report.

Thereupon, the Report was accepted and sent up for concurrence.

The Chair laid before the House the fifteenth 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-586) — Committee on Public Utilities on Bill "An Act to Allow Nonprofit Corporations to Operate Ferries on Casco Bay" (H. P. 1150) (L. D. 1444)

Tabled — June 2, by Mrs. Najarian of Portland.

Pending — Motion of Mr. Kelleher of Bangor to Accept the Minority "Ought to Pass" Report.

Thereupon, the Minority "Ought to Pass" Report was accepted, and the Bill read once. Committee Amendment "A" (H-568) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act Amending Laws Relating to Hospitalization of the Mentally Ill" (S. P. 368) (L. D. 1204) (C. "A" S-195) In Senate, Passed to be Engrossed as amended.

Tabled — June 2, by Mrs. Byers of Newcastle.

Pending — Passage to be Engrossed as amended.

On motion of Mrs. Najarian of Portland, retabled pending passage to be engrossed as amended and tomorrow assigned.

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

Bill "An Act to Clarify the Laws Relating to Dentistry" (S. P. 70) (L. D. 235) (C. "B" S-205) — In Senate, Passed to be Engrossed as amended.

Tabled — June 2, by Mr. Rolde of York.

Pending — Passage to be Engrossed as amended.

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

Mrs. POST: Mr. Speaker and Members of the House: The House Chairman is not in his seat at this point, but it is my understanding that there were several technical questions that were raised at the hearing, changes that the Dental Association had requested. Those are not ready, so I would ask that somebody table this for one day.

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

Mr. BUSTIN: Mr. Speaker, Ladies and

Gentlemen of the House: I am not aware of the specific matter that the gentlewoman from Owls Head refers to, but I am aware that someone is going to try to prepare an amendment to put the dental hygienist back on the board. If that is what it is all about, I don't see any reason to wait around any longer and I think we ought to take the vote today and pass it to be engrossed.

Mrs. Post of Owls Head moved that this matter be tabled one day.

Mr. Bustin of Augusta requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Owls Head, Mrs. Post, that this matter be tabled one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. GOODWIN: Mr. Speaker and Members of the House: If we pass this to be engrossed, I would just like to say that there are a couple of — when the committee was discussing this bill, it came out as a divided report, as you are aware, and the sponsor of the bill went with the original bill. However, the dentists, when they came to the hearing, had a couple of amendments that they were interested in putting on. I was hoping this could be tabled so we could draw those amendments up and put them on. These are amendments that the dentists wanted and offered at the hearing. This is one of the reasons we were hoping this could be tabled.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: As you are well aware, all of us have had contact from the dentists around the state and Mr. Goodwin would tell us that the dentists want us to hold this bill up so that the amendments that they wanted could be put on. I am suggesting they knew that before the committee report was issued from Health and Institutional Services. They decided then, evidently that they didn't want these on, and now, after the issue of who of who is going to serve on the Dental Examiners, they would like to delay again. I suspect, not having heard myself from any dentists who say they want this bill held up so that something else could be done to it, I suspect this may be a stalling tactic so the Board of Dental Examiners can be rearranged. I think we ought not to do that and move the bill along today.

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

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

Bill "An Act to Provide Minimum Standards for the Protection of the Rights of Residents of Public Institutions" (H. P. 1219) (L. D. 1807) (C. "A" H-553)

Tabled — June 2, by Mr. Talbot of Portland.

Pending — Passage to be Engrossed, as amended.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I do have an amendment for this bill and I wish someone would table it for one legislative day.

On motion of Mrs. Najarian of Portland, tabled pending passage to be engrossed as amended and tomorrow assigned.

The Chair laid before the House the nineteenth 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)

In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (S-122)

Tabled — June 2, by Mr. Kelleher of Bangor.

Pending — Passage to be Enacted.

On motion of Mr. Kelleher of Bangor, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the twentieth 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 — June 2, by Mrs. Najarian of Portland.

Pending — Passage to be engrossed.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This particular L.D. is one that probably affects a great many of us. At the present time, there have been a great many amendments come across our desks and it doesn't appear that we would get a clear picture out of this with all these amendments. I understand that possibly if they have killed off quite a few of them, we finally would find something that would make a picture that we at least could understand.

It seems the only practical way to do this, and I have talked with quite a few this morning, might be to refer the bill back to committee and let them come out with a redraft of a completely clear bill and we would have a picture as to what was going to be done with fish and game licensing. I will move that this bill be recommitted to the Fish and Game Committee.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that this Bill be recommitted to the Committee on Fisheries and Wildlife.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: From the way these amendments are popping up now, as House Chairman, I have no objections to the motion by Mr. Birt.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: Due to the number of amendments on this bill, evidently there is a great amount of resistance in this House to passing this bill, I move for indefinite postponement of the bill.

The SPEAKER: The Chair would advise the gentleman that the motion is not in order. The motion to recommit has priority over the motion to indefinitely postpone.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to be one of the ones that has been deluging you with all kinds of amendments. However, the first two, House Amendments "A" and "D", there was an oversight in some draft-

ing errors in those two, so those two are not going to be considered in reference to Mr. Burns inquiry yesterday, the House Amendment "F" that has my name on it was a computer error, where Mr. Conners and I were both given the same number, the same letter, so the only one, as far as I am concerned is worth considering from my end is House Amendment "G" and I would be very in favor of having this being recommitted back to the Committee as long as that is acceptable to Mr. Mills.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I have been studying this over this morning, I checked the amendments and there are ten amendments so I also agree that this should be recommitted and come out with a completely new bill. If we do get to the point of indefinite postponement, I think it would be ridiculous, because this is the only thing that the department has to finance.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I think I ought to inform the House that what you are talking about is a budget here for the Fish and Game Department. A note came on my desk just now and apparently somebody doesn't understand what this is all about. This is your Fish and Game budget we are discussing here; these amendments are entitled to consideration by the committee. Some have good points and some don't.

As far as the budget is concerned, we have got to act on this and I think the best way to do it is through committee. If we get into a rhubarb here on the floor of the House, this could be good for three to four hours before it is settled. This has also got to be passed by the 30th of June for the Department of Fish and Game to operate.

The SPEAKER: The pending question before the House is on the motion of the gentleman from East Millinocket that this Bill and all of its papers be recommitted to the Committee on Fisheries and Wildlife in non-concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 3 in the negative, the motion did prevail.

Sent up for concurrence.

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

Bill "An Act Establishing the Lewiston-Auburn Airport Authority" (H. P. 1580) (L. D. 1881). — In House, passed to be engrossed as amended by House Amendment "A", May 21 — In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-237), in non-concurrence.

Tabled — June 2, by Mr. Rolde of York.

Pending — Further Consideration.

On motion of Mr. Jacques of Lewiston, the House voted to adhere.

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

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

Tabled — June 2, by Mr. LeBlanc of Van Buren.

Pending — Adoption of House Amendment "A" (H-614).

Mr. Carroll of Limerick withdrew House Amendment "A".

The same gentleman then offered House Amendment "B" and moved its adoption. House Amendment "B" (H-624) was read by the Clerk and adopted.

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

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

Joint Order — Relative to Staff Vacancies at State Institutions being Filled (H. P. 1650)

Tabled — June 2, by Mr. Rolde of York.

Pending — Passage.

On motion of Mr. Rolde of York, retabled pending passage and specially assigned for Thursday, June 5.

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

Bill "An Act Relating to the Expediting of Procedures Under the Municipal Employee Labor Relations Board" (H. P. 1169) (L. D. 1467). — In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-428). — In Senate, Indefinitely Postponed, in non-concurrence.

Tabled — June 2, by Mr. Snow of Falmouth.

Pending — Further Consideration.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: There is an amendment that has been prepared but it has not been distributed yet, so I would hope that someone would table this, either for later today or for one day.

On motion of Mr. Rolde of York, tabled until later in today's session.

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

Bill "An Act to Raise the Tax on Beer, Wine and Other Alcoholic Beverages to Provide Operating Funds for Alcohol Treatment Facilities" (H. P. 773) (L. D. 944)

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

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

Bill "An Act Relating to Maine Veterinary Practice" (S. P. 212) (L. D. 739) (C. "A" S-220)

Tabled — By Mr. Bustin of Augusta.

Pending — Passage to be Engrossed.

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

The same gentleman offered House Amendment "A" to Committee.

House Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-632) was read by the Clerk.

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

Mrs. KANY: Mr. Speaker, I would like to pose a question through the Chair. Would the sponsor of the amendment kindly explain what the amendment does so we will know. We are inundated with seas of amendments and have not had a chance to look at it.

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany has posed a question through the Chair to the gentleman from Augusta, Mr. Bustin, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I thought no one

was going to ask, which is always the most expeditious way to get amendments put on. I am not trying to do anything too alarming here. If you have followed this bill, you have a huge 22-page committee amendment. This is the bill that relates to our Maine veterinary practice and what my little amendment does is, on Page 5 of that big committee amendment, it changes the nature of the Board of Veterinary Medicine, which is the board that licenses all veterinarians in the State.

At the current time, there are presently three veterinarians on the Board of Veterinary Medicine. The board which is proposed in Committee Amendment "A" moves it from 3 to 7 and under that one, there are 5 veterinarians, one — and I guess they didn't call it a consumer because then you would have to have probably either a dog or a cat on the board — but one member of the general public and one director of the Division of Animal Industry, for 7. What my House Amendment "A" does it makes the Board of Veterinary Medicine five members, all of whom will be licensed veterinarians, residents of this state, graduates of veterinary school and practicing in Maine for five years.

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

Mrs. KANY: Mr. Speaker, may I pose a question through the Chair? Was the intention of this amendment basically to remove the consumer member?

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

The Chair recognizes that gentleman.

Mr. BUSTIN: Mr. Speaker Ladies and Gentlemen of the House: The purpose of this amendment is to take two of the seven off the Board of Veterinary Examiners. One is the so-called person who is a representative of the general public and the other is the director of the Division of Animal Industry in the Department of Agriculture. My information is that the director was only put on there to make it seven anyway.

The issue that I raised in relation to the dentist bill two day ago is, yes, it is a wonderful idea philosophically to have a consumer represented on every public board. Are you going to adopt that as a general sweeping guideline or are you going to look at these boards and see whether or not it makes sense to have a consumer on it? I say, on the Board of Veterinary Examiners, it doesn't make any sense.

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

Mr. MAHANY: Mr. Speaker, I would like to have this tabled for one day, if someone would table it please.

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

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

Bill "An Act to Establish Assessments upon Certain Public Utilities and to Authorize use of the Funds Generated by those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 1407) (L. D. 1719) (C. "A" H-570)

Tabled — by Mr. Spencer of Standish.

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

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

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

Pending — Enactment.

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

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

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Public Utilities on Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay (H. P. 1154) (L. D. 1448)

Committee Amendment "A" (H-631) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

House Divided Report — Majority (7) "Ought to Pass" — Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-564) — Committee on Judiciary on Bill "An Act to Clarify the Laws Relating to Superior Court Commitment of Mentally Disordered Persons" (H. P. 170) (L. D. 225)

Tabled — by Mrs. Najarian of Portland
Pending — the motion of the gentleman from Saco, Mr. Hobbins to Accept the Majority "Ought to Pass" Report.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for waiting for a response to the question that was asked this morning as to the distinction between the Majority and Minority Reports. As you will note, both of the reports are "Ought to Pass" but the minority report is "Ought to Pass" as amended by striking various sections of the proposed bill.

The bill, itself, the major portion of it merely provides, the part on which both the minority and majority agree, is that it provides if a justice commits an individual for observation at a mental institution, that upon his direction he will be remanded to the county jail once the observation has been completed rather than his having to be returned to court. If the court says John Jones shall go to the Augusta State Hospital for an observation, upon his return he will go to the county jail pending trial, then will be picked up by the sheriff and returned to county jail, rather than under present law it says he will be returned to the court.

The conflict in respect to the majority and minority reports are to two other sections in the bill itself that provide for an annual report made by the Department of Mental Health and Corrections concerning individuals who are retained for observation or who are found to be suffering from a mental disease or defect such that they aren't able to stand trial. Under the present law, a staff psychiatrist must report as to the condition of the individual if he has reasonably regained his status to stand trial or if he is to remain in the institution.

What has been proposed is to add an either or situation that says that a staff psychiatrist or a clinical psychologist shall make those reports and it was the feeling of the majority of the committee that they would prefer or just as soon have a clinical psychologist make their determination as a staff psychiatrist. It was the opinion of the minority of six on the committee that we preferred that the staff psychiatrist remain the sole determining factor rather than passing that off to a clinical psychologist, it being our feeling that when you are talking about the condition of an individual to stand trial, then it should be a medical physician, a psychiatrist with the training as a psychiatrist, that should report to the court as to the condition of the individual and we should not be leaving it up to the clinical psychologists who do not have the medical background. Therefore, that is the distinction between the two reports.

I understand there is a motion to accept the majority report. I, for one, one of the six standing on the minority side, hope that you do not accept the majority report and at that point accept the minority report.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I should at least touch on this for a minute; it is my bill. I feel, along with the majority members of the committee, that a clinical or licensed psychologist is more than capable of determining whether or not a person is capable of standing trial. A licensed psychologist in this state is extremely capable and has had much training and much background in this and I feel, in fact, that a licensed psychologist is probably more capable of diagnosing a problem than a psychiatrist. I just feel that because of their background and their training that in many cases a psychologist, a licensed psychologist in this state, with 9 years of post-secondary education, is going to be more capable and can do a better job. The other reason for this is that it will aid in the workload at the various institutions or the department.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Saco, Mr. Hobbins, to accept the Majority "Ought to Pass" Report. If you are in favor, you will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Perkins of South Portland requested a roll call.

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

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

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from South Berwick, Mr. Goodwin, has indicated he feels that clinical psychologists can make the determination as to the mental condition of individuals as to their condition to stand trial as easily and better — I think he suggested — than a psychiatrist. I would merely ask each and every one of you to consider the question as to who is better suited to determine whether or not a man is suffering from

mental disease or defects such that he is capable of standing trial, and as it presently stands, and we are talking about the legal defense of insanity, if you will, mental disease and defect, and I suggest this is always, in terms of the trial procedure itself, a matter for a psychiatrist to determine and not a clinical psychologist.

The same condition applies here, in my opinion, where you are talking about whether or not this man is now — there has been a determination initially that he is unable to stand trial because of his mental condition and you are asking a clinical psychologist to determine at any point along the way, from now to year 10, as to whether or not he is capable of standing trial. I say to you, ladies and gentlemen, that I can think of no one better able to make that determination than a psychiatrist.

I agree that clinical psychologists have a useful purpose, they certainly do, and they provide for the citizenry a procedure or a means of getting some emotional support. However, I don't think that if I want to be analyzed, and I don't want to be, but if I did, I would prefer a psychiatrist to a psychologist. To my way of thinking, at least, it would be the most appropriate thing to have a man with medical knowledge who has a training in psychiatry.

I would hope that you would not support the motion to accept the majority report.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: In the committee, one of the questions that came to our mind was, what was the difference between a psychiatrist and a clinical psychologist and we looked up the definition in the Maine Law Book and it seems to me, in my own interpretation, that the difference is this: a psychiatrist is a medical doctor who deals with mental disease, etc., and is supposed to be able to not only measure it but mostly to treat the problem that exists. A clinical psychologist, on the other hand, his primary function as I understand it, is a measurer of disorders, a tester of people to find out to what degree they do have some sort of mental disease, disorder, or whatever, and in this particular case, the issue seems to be whether a person can be deemed fit to stand trial or not and that primarily is a measurement situation. Now, if the person isn't fit to stand trial, and the clinical psychologist does not have any role in the changing of that situation, acting upon that person to cure them or whatever, that is the psychiatrist's role. In terms of measuring the ability to stand trial, it appears to me that the clinical psychologist has as much if not more qualifications than the psychiatrist.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: In all respect to Mr. Henderson of Bangor, I might point out that a number of us know the distinction between a physician who is trained in a specialty and a person with an academic background who is trained in a specialty, and I would point out to the gentleman from Bangor that the President of the Maine Psychologists Association appeared recently before the Business Legislation Committee and in an answer to a question said, yes, psychologists do in fact provide therapy, they do in fact try to

effect a cure, so I think that distinction is something that they make themselves rather than what we could suppose.

I rise to support the gentleman from South Portland in urging you to reject the 7 to 6 committee majority report and I would ask that the Clerk read the report.

Thereupon, the Reports were read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker, I would like to pose a question through the Chair to any member of the Judiciary Committee about that paragraph in the bill that the entire committee agreed on. It is not the issue we are discussing here, psychologists or psychiatrists, but the first paragraph of the bill. As I read the bill, I hope I am wrong, it appears to me that the sheriff or one or more of his deputies shall execute the remand order upon advice from the commissioner. Does that mean that the sheriff has discretionary authority in this case? Is there any case when something which has been done by the court is now being done by the sheriff? It just makes me a little nervous and I wish somebody would explain that to me.

The SPEAKER: The gentleman from Durham, Mr. Tierney, has posed a question through the Chair to anyone who my answer if they so desire.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: The question involves whether or not the sheriff has any discretion in respect to the statement the sheriff or any one or more of the deputies shall execute the remand order upon advice from the commissioner on completion of the observation.

What this says is that if the court determines that a man will be committed to the Augusta Mental Institute for observation, that he may provide by his order that upon the completion of the observation period, which may run up to 90 days, that he will be remanded to the county jail pending trial. A man is accused of a very serious offense, he is picked up, he is taken to jail and immediately his attorney would suggest or somebody will request an observation period of time because of the question of his mentality and the question of legal defense of insanity.

The court, at that point, makes the commitment order and what this does, in reading the bill, as suggested by Mr. Tierney, is that the court by virtue of its initial order may commit him for observation with a notice that he would be remanded upon a finding or completion of his observation to the county jail, at which point the sheriff would comply with the order of court following that commitment order and pick him up and carry him back to the jail from whence he came. It is mandatory that the sheriff will do that. Once the commissioner has said that the observation is completed, then the sheriff would have to pick him up and return him to the county jail.

Mr. Goodwin, of South Berwick was granted permission to speak a third time.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to point out, I guess you are getting a little head start here, we are going to be debating the same basic issue between psychologists in this bill are going to be also, but I do think it is important to take into consideration in this bill that the psychologists in this bill are going to be working for the staff in the various institutions, they are there to do diagnostic

work now, they are doing diagnostic work now and this is just assuring that they will continue to do this, when the people are referred to them from the various jails and people are referred to be checked out to see if they can stand trial, and I do feel if you take a serious look at what a psychologist has to go through to get a license, they are more than capable to handle this type of diagnostic work.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Saco, Mr. Hobbins, that the House accept the Majority "Ought to Pass" Report. A roll call has been ordered. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Birt, Bustin, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Dow, Drigotas, Farley, Faucher, Fraser, Goodwin, H.; Goodwin, K.; Henderson, Hewes, Hinds, Hughes, Ingegneri, Jensen, Kany, Kennedy, LaPointe, Lavery, Maxwell, McBreairey, Mitchell, Mulkern, Nadeau, Najarian, Norris, Pelosi, Peterson, T.; Post, Powell, Raymond, Rolde, Smith, Talbot, Teague, Theriault, Tierney, Tyndale, Wagner, Wilfong.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Carter, Churchill, Connors, DeVane, Doak, Durgin, Dyer, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Gould, Gray, Hall, Hennessey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kauffman, Kelleher, Kelley, Laffin, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McKernan, Mills, Miskavage, Morton, Palmer, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Rideout, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Torrey, Tozier, Twitchell, Walker, Winship.

ABSENT — Cote, Davies, Dudley, Greenlaw, Hobbins, Lizotte, Lynch, McMahon, Morin, Quinn, Truman, Usher, Webber.

Yes, 49; No, 87; Absent, 12.

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

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-564) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act Concerning the Land Use Regulation Statutes." (H. P. 1040) (L. D. 1330)

Tabled — by Mr. Doak
Pending — Adoption of Committee Amendment "A"

On motion of Mr. Doak of Rangeley, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

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

Bill "An Act to Require Ferries Operating in Casco Bay to be Equipped with Radar Devices" (H. P. 1151) (L. D. 1445)

Tabled — by Mr. Mulkern of Portland
Pending — Passage to be Engrossed
Mr. Mulkern of Portland offered House Amendment "A" and moved its adoption.
House Amendment "A" (H-629) was read by the Clerk.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment does to this bill, it would restrict the application of the bill to certain vessels operating in Casco Bay which are subject to regulation by the Public Utility Commission which was the intent of the bill in the first place.

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

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

Bill "An Act to Permit Public Use of State Docking Facilities in Casco Bay." (H. P. 1051) (L. D. 1433)

Tabled — by Mrs. Clark of Freeport
Mr. Talbot of Portland offered House Amendment "A" and moved its adoption.
House Amendment "A" (H-637) was read by the Clerk.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment does is exempt the Maine State Pier from the application of this bill, which is the docking bill.

Thereupon House Amendment "A" was adopted.

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

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

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

Tabled — by Mr. Rolde of York
Pending — Passage to be Engrossed.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I just went to check on the amendment, I took it in early and it has not been printed yet so evidently there is some trouble across the street so I would hope that someone would table this for one day, or until later today.

On motion of Mr. Rolde of York, tabled until later in today's session.

On motion of Mr. Rolde of York
Recessed until the sound of the gong.

After Recess

The House was called to order by the Speaker.

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

Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Continue the Commission to Prepare a Revision of the Insurance Laws Relating to Insolvent or Delinquent Insurers" (Emergency) (S. P. 453) (L. D. 1560)

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

Bill "An Act Relating to Agricultural Fairs" (Emergency) (H. P. 1106) (L. D. 1395) which was passed to be engrossed as amended by Committee Amendment "A" (H-531) in the House on May 30.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-531) and Senate Amendment "A" (S-249) in non-concurrence.

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

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) on which the Majority "Ought Not to Pass" Report of the Committee on Health and Institutional Services was read and accepted in the House on May 29.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought to Pass" Report of the Committee on Health and Institutional Services was read and accepted and the Bill passed to be engrossed.

In the House:

Mr. Kelleher of Bangor moved that the House insist and asked for a Committee of Conference.

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

Mr. DeVANE: Mr. Speaker, I would move that the House recede and concur.

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

Mrs. CLARK: Mr. Speaker, a parliamentary inquiry? Would a motion to adhere be in order?

The SPEAKER: The motion to adhere would be in order if the motion to recede and concur is defeated.

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

Mr. GOODWIN: Mr. Speaker, I move that this lie on the table one legislative day.

The SPEAKER: The Chair will order a division. If you are in favor of tabling for one legislative day, you will vote yes; those opposed will vote no.

A vote of the House was taken.
14 having voted in the affirmative and 53 in the negative, the motion did not prevail.

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

Mr. LAPOINTE: Mr. Speaker, a parliamentary inquiry? If the motion to recede and concur passes the House this afternoon, what then is the posture of the bill?

The SPEAKER: It would be passed to be engrossed.

Mr. LAPOINTE: Mr. Speaker and Men and Women of the House: The bill that I believe is being discussed this afternoon has to do with floating of bonds whereby the State of Maine through the Department of Mental Health and Corrections would be authorized to construct a center in southern Maine similar to the Levinson Center in the Bangor area.

I happen to strongly believe that the need to develop a wide spectrum of services for the developmentally disabled,

particularly those children who happen to be under the age of five, is extremely important. I think furthermore that it is something that should be done and I think that most of you who know me as a Representative from Portland, I might be viewed as a bleeding heart liberal when it comes to the expansion and development of Human Services Programs across the board. However, I am concerned that this particular proposal that we have before us this afternoon will definitely meet these needs. We may be locking ourselves out of the potential for providing these services in a much more cost efficient and a much better geographically distributed manner than under the proposed residential center called for in this particular L. D.

I would hope that the House this afternoon would go against the motion to recede and concur, then allow us to, that is the legislature, through possibly the Committee on Health and Institutional Services, to continue its study on the needs for this type of program, this residential program in the southern part of the state.

I feel that although this particular idea has some merit, I think that we should review the possibilities of other ways of providing these services. One of the ways that we could consider and bring back to the special session in the form of a recommendation is a direct sub-contract of these particular services with existing or other agencies. Another possible way to deal with this particular approach would be to offer a direct voucher system to some of the parents involved here in, consider, if you wish the cost effectiveness of meeting with the particular program need in that fashion. I realize that there is a great deal of emotion that can be brought to bear in this particular proposal, however, I think there might be some value in us to study until the special session, alternative ways of delivering these same types of services.

I would hope then, that the House this afternoon, would recede and concur so that we could make the motion to adhere and then we could get on to continued study of this particular matter and come back to the special session.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hope that the House does recede from its former action and concur with the Senate, because I am one individual and I have been here for a few terms, who has not enthusiastically supported too many bond issues before this body and I submit we have, in the Bangor area, very fortunately, a very excellent program up there and I would equally like to see the opportunity of you people in southern Maine of having something very similar to the Levinson Center and I am firmly convinced that if a bond issue, such as this, was passed out of this body and the other body, that the people in Maine, particularly southern Maine, would enthusiastically support it. I had a tour of the Levinson Center, I toured it more than once, but on one particular occasion I was up there with Representative Norris from Brewer and had an opportunity to sit down and talk with some of the parents who had children up there and there were three particular women that I can remember very vividly who had youngsters in this particular institution and they came from southern Maine. One came from Portland, and one from the Brunswick area and one from Lewiston, and although I can agree and sympathize with Representative

LaPointe, as far as the Health and Institutions Committee studying it, I believe that this program is such a large program and deserves consideration that we could certainly institute this bond issue, send it out to the people of Maine and still be required at some other time to provide additional monies and services, so I would ask this House to recede and concur and put this document back in the position where we can finally vote on it, and not vote against this bill.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: A couple of days ago, I made the motion to accept the Majority Report, of "Ought Not to Pass" on this, and it was extremely difficult for me because I believe that perhaps something of this nature will be needed in this state but I don't think that we've given it enough time, enough time to study on it, there are many other areas in this state that also need these services and before you vote on this, you say, you are voting on a bond issue but you're not voting on a bond issue, you're voting on a whole new institution that is going to have to be staffed and run every year after this.

Let me just give you a breakdown of the cost factors on this. The department is projecting for 76-77 a budget of around \$880,000 to run this. With inflation going the way it is, I am sure that will be up to a million bucks very shortly, creating 57 more direct care workers, 23 more indirect care workers and six more administrators for a total of 86 and I am sure that by the time this is operational, that will be up to 100. We can't even get enough staff into Pineland as it is right now, we can't get enough staff for Augusta, Bangor, Lewiston and we are starting to build more institutions? I think we had better take a good hard look at what we're doing right now before we start anything new. I have been involved in services for the mentally retarded for many years, I think when it comes to dealing with the mentally retarded, I am a bleeding heart liberal, because I want to give them just as much as we possibly can, but I want to give as many people as we can in this state, the services they deserve and I feel if we take this money out of our budget in the future and if we try to spend this money at a bond issue, we are going to be jeopardizing services to people throughout the rest of the state who are going to be needing it. I think we need a good solid study of this which I will be drawing up an order, I have already directed the research staff to do that and I hope that by the special session, we can come in with something that is built on a little more solid footing.

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

MR. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Before I can put my approval on to a bond issue to go out to the people, I have to believe myself that it's a proper course of action and although it may sound like the house Scrooge to oppose this proposal at least partly on the bond issue. I would remind us that we have just floated \$17 million out of an authorized but unissued total of \$200 million, we are looking at another \$17 million that will be coming into this biennium and I don't think it's the time to endorse a bond issue but beyond that I would want to point out that

we have an institution called Pineland with an accredited capacity of 685, currently 195 vacancies in that institution. We have just recently spent over \$300,000 in renovating buildings down there. It's obviously not an institution we are going to fold up and let drift away. I would hasten to point out that this remodeling is not directed to meeting the needs covered in this bond issue but I submit that it is there and it's only a policy, it's a policy of the department that prevents them from treating the needs of these under five and so I would go along with the gentleman from Portland, Mr. LaPointe in urging you not to abandon the position you took the other day and that we adhere.

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

Mr. MULKERN: Mr. Speaker and Members of the House: It is with great reluctance that I ask you to go along with the gentleman from Portland, Mr. LaPointe today on this bill. I, too, probably could be considered a bit of a bleeding heart liberal and I am very anxious to see more done in this state for the severely and profoundly mentally retarded.

I've had occasion to visit Pineland myself and I know their problems. I know that they are lacking in staff there and the money to do the job hasn't been forthcoming and I just don't know if this particular approach will work. Maybe it will but I think it should be studied some more and I really hope you go along with the "Ought Not to Pass" Report on this today.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will accept the motion that we recede and concur. Let me briefly explain what kind of children this institution is going to take care of. First of all there is no program at Pineland to take care of these children. These are children between one and five years old that have nothing going for them but a heart beat. There are some in southern Maine now that have to travel all the way, parents to Bangor. Now this facility here would take that burden off some of these parents' shoulders — that trip to Bangor.

I would ask you to go along with motion to recede and concur. Let the people decide if they want to fund a program like this.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to raise a point. I don't want the liberals in the House to think they are the only ones that are concerned with human needs, no more than are the moderates or the conservatives any different from themselves.

I would urge this House to support this bond issue, I think the people of Maine, all over Maine, realize what the needs are along this particular line and let them demonstrate to you and I whether, in fact, they do want to support such a measure such as this.

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

Mr. LAPOINTE: Mr. Speaker and Men and Women of the House: It is my understanding that if this bill passes this afternoon under the motion to recede and concur, that the bond possibly would be floated in November, that is the bond to go

out to the people to vote on in November. It's my understanding anyway. So that would mean then that there would be no mandate per se, if I can use that word, to do anything or to take any action on this particular proposal until after November and if we go along with the motion to adhere which will be made after we do away with the motion to recede and concur, I think that we are only going to have a two or three month time delay in probably dealing with this issue in a constructive fashion.

I also would like to share some of my concerns as relates to the provisions of the services to the developmentally disabled in the State of Maine and they are based only on a sort of an observation of the fragmentation that seems to exist within the proponents of the expansion for these type services, and I'm not saying this in criticism of them but there seems to be some fractionalization. We have a group in one part of the state that is advocating a certain approach, we have the Department of Mental Retardation, a Bureau of Mental Retardation in the Department of Mental Health & Corrections which seems to be taking a certain sort of approach and then we have other groups and it appears to me that the opportunities in the effort towards coordinated planning in the provision of these much necessary services is not taking place. It is my hope that if we go along with a motion to adhere on this particular proposal that through this study mechanism, we can provide a vehicle whereby these people would be brought together so we can develop a much more concerted plan under the provision of these services as proposed under this particular L. D.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the point of view that has been expressed by Mr. LaPointe and I think that as we vote on this particular issue here and you put a bond issue out to the public, you've got to be willing, on the other end, if they accept this bond issue, to take a look at what Mr. Goodwin explained and that is that \$800,000 a year funding once you have built the facility. I really feel that with that kind of money we can do much better and go a lot further and I would recommend strongly that we take a look at this in study rather than jump in and perhaps find ourselves over our heads. A million dollars for a 33 bed facility to me does not seem to be a wise expenditure of money.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I would just like to quickly concur with my good friend from Bangor that this liberal bleeding heart business doesn't send me anywhere. I think the concern of these people is not the problem here but I would point out that all we've heard so far advocating this is some sort of an emotional appeal. I'd like to know because I haven't heard it anywhere in the discussion today or the other days how many beds is this going to produce compared to the 196 vacancies in Pineland? What's the demand and what's the need in this area for these situations? So far it has been strictly a somewhat papered-over emotional appeal to our sensibilities and I think we should have

something more than this before we turn it out.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: As one who has worked with severely and profoundly retarded children in an institutional setting, I am very much aware of the need and am aware of the need in Maine in terms of respite care for children under five. There is a need for this kind of program but I think my contention in signing "Ought Not to Pass" Report on this particular bill is that the need not necessarily has to be served by floating a bond issue for over a million dollars to build a building. The main difference between what goes on at Levinson Center, which certainly is a fine institution, and what happens at Pineland, is not necessarily the buildings that are there but the difference is in the outlook and difference in staff and the training that goes on and I think that we might be much better served if we are going to spend funds in the field of Mental Retardation, which I certainly hope the state plans to do, is not to spend those funds by building another institution in the same county as Pineland. We might be better off by spending that money for small community based programs and be able to have a program in Aroostook County and be able to have a program in Washington County and be able to have one in Knox County and that makes much more sense in my mind than spending over a million dollars for construction and then another million dollars a year for staffing in a county where we already have an institution.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I want to mention because money is being talked about here at a cost of \$800,000 a year. Before this session is over with, that budget, there's going to be a lot more money for other people who have a lot more things going for them than these people here.

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

Mr. JALBERT: Mr. Speaker and Members of the House: For those of you who are listening, the gentlelady from Owls Head, Mrs. Post, has put her finger exactly on what the majority of the Health and Institutional Services Committee has wanted to do, and I followed through the Chairman, the Representative from South Berwick, Mr. Goodwin has told you. There is a center for the profoundly retarded right in Hallowell. I am not talking about the school for girls, I'm talking about a small institution where they have these youngsters and it relates itself to the extremely sad case that I told you last week, about turning over a child forever and ever, and because of the severely profoundly ill, mentally ill, a situation concerning the youngster.

I think if given the proper opportunity and they can do it by having a sub-committee within their committee, to visit in the county and visit in the Penobscot area, visit in this area, in my own area, in the Portland area, in the Biddeford area with the thought in mind probably as many as five, six or seven of these unfortunate places to help the profoundly ill person. There is going to be a problem as far as Pineland is concerned because you must be five in order to be

admitted at Pineland but, of course, that could be straightened out by setting an area aside and I will agree with the gentleman from Cumberland, Mr. Garsoe there.

I am solidly behind these programs but I think that our way would be that this would give us an opportunity, if you just throw this bond issue out, what are you throwing out, what are you explaining, what are you going to do, what is the program? The committee has come up with no program because the committee has come up with a Majority "Ought Not to Pass" Report and I think that their willingness to go to study this is something we should go along with, consequently, I will support the philosophy of the gentleman from Portland, Mr. LaPointe.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I am kind of in a bind here because I don't exactly know which way I want to go, whether I want to vote for the spending of a bond issue, sending a bond issue out and I don't know whether I want to wait and have the Committee on Health and Institutional Services study this. I think probably that's the best way. I don't know how many of you know how it affects the parents of one of these children and I would like to try to explain to you some of those effects. So just bear with me just a couple of minutes.

I lived in Bangor and my family is still in Bangor and I have a younger sister who, many of you know, has a severe case of Cerebral Palsy. She has nothing wrong with her mind but you know, as well as I know, Cerebral Palsy deals with your muscles and when she was a small girl, there was no place in Bangor for her to go and my mother and father used to drive her all the way to Bath, sometimes Portland, so that she could get treatment and as time went on, the Levinson Center became a reality and it is now enjoying a great deal of success but then my sister became a high school student and she attended and graduated from the Baxter State School for the Deaf because there was no place in Bangor, so every week my mother, who was elderly, drove in the winter time, for a couple of years, every weekend, just about, from Bangor to Portland. She doesn't like to drive at night so she made it in one day which was quite a strain on her. My sister stayed at my house many of those weekends but, as you know and I know, her home was in Bangor and for a girl that is retarded in that kind of a physical shape, she wants to be home with her own surroundings and it's a great emotional shock to both me, as her brother, and her mother to try to take this girl back to school when her time was up which was Sunday because she didn't want to go back, she wanted to go home or she wanted to stay at my house. It was a trying thing for a couple of years for my mother to go through that and it was a trying thing for my family to go through that, although we did. I guess what I'm saying is that the fact that we don't have anything in the area of the southern part of this state. In other words, we only have the Levinson Center which is in the Bangor area, so those parents that have children who are profoundly handicapped would have to do that same thing, go to Bangor. It's a great emotional shock. I can see the possibility where the Health and Institutional Services do a complete study so that they can come back in the special session but I have great emotions to vote in behalf of this

bill to get something on the road now. I think it is very, very important that we do. I still am not sure in exactly which way I am going to vote. I don't know.

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

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "Ought not to pass" Majority Report, I would like to make my position clear. I don't very often agree with the good gentleman from Portland, Mr. LaPointe, but on this particular bill I certainly do. I think that in some way in the southern part of the state, for a great deal less money like Pineland, as the gentleman from Cumberland, Mr. Garsoe, has said, with 196 beds vacant, this could be changed to take care of it at a much less expense and lower cost than it would be to build a whole new establishment or complex and the cost is excessive. I would ask for a roll call vote and hope that you would recede and concur so that we may continue for this study committee.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: I would just like to point out before we end this debate that there can be roughly — you can look at a lot of different figures, but the estimate is about three percent of the population of any given area of our state has some form of developmental disability. That is roughly 30,000 people throughout the State of Maine that need some type of services to take care of their particular disability. Granted, many of the number of severely and profoundly handicapped are not this high, but there is a lot of them throughout the state. In the community resource inventory that the department prepared themselves, the Bureau of Mental Retardation, indicates in this study various areas where they have been lax in providing services for just those that have deinstitutionalized from Pineland. They can't yet provide all the services for those people, yet they want to build a whole new building and set up a whole new staff and try a whole new area of service, yet they haven't even taken care of the people that have deinstitutionalized yet, and perhaps of the Governor's budget, they can't even keep enough staff on board at Pineland to service those people they have. I think that we just have to take a good hard look at our overall picture of the services that we are giving to the mentally retarded in this state before we can start anything else new.

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

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: If you vote against recede and concur, then we could vote to adhere, which means that we would then have allowed this committee, the majority of which voted "Ought not to pass" on this thing, with the thought in mind of having a study. It would then allow Mr. Goodwin to bring in his order which he is preparing now for a study.

I think I might give the good gentleman from Portland, Mr. Talbot, some advice on how he would vote. As far as I am concerned, I feel positive that if given the opportunity to study, centers might be suggested in Farmington, in Lewiston, in different areas up north in different areas of the state. I feel positive and I would vote for it, that we would come up with possibly a bond issue anywhere from five to ten million.

This is a program that has been neglected, but before we plunge ourselves in such a thing as a \$1 million bond issue, let's know what we are doing. Let's allow these people who have been discussing this thing to study it. A few months won't be the end of the world and then we will know what we are doing. If you vote to recede and concur, we really do not know what we are doing. I urge you to vote against the motion to recede and concur so that we can move to adhere so that will kill this bill and then we can come up with a proper order, which is the order to study.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: If I remember correctly, Mr. Goodwin had a study that has just been completed about that thick that he was holding up here, that was made by the Department on this matter which he was referring to along these lines to have sectional hospitals of this type across the state. Isn't that what this study was for? Isn't that what the answer was that came up?

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: The community resource inventory that I was alluding to was a study that was prepared by the Bureau of Mental Retardation under some federal grants to basically report on the deinstitutionalization program that they had instituted several years ago to see what type of services were being provided to those people that were deinstitutionalized out into nursing and boarding homes. It breaks it down into six categories, six areas of the state. What it does in each area, it outlines the various programs where some of the people are taking and the deficiencies in the areas, such as one particular area where there are not enough beds or not enough boarding homes or not enough programs, people sitting around all day doing nothing. A good example is Washington County, you have got two boarding homes out there, I think in Machias or Eastport where there are 40 or 50 people sitting around and their only activity is during the summer they take them for a walk down to the beach.

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

Mr. BERRY: Mr. Speaker and Members of the House: I would like to pair my vote with the gentleman from Biddeford, Mr. Lizotte. If he were here, he would be voting yes and I will vote no.

The SPEAKER: The gentleman from Buxton, Mr. Berry, wishes to pair with the gentleman from Biddeford, Mr. Lizotte. If the gentleman from Biddeford, Mr. Lizotte, were present, he would be voting yes and the gentleman from Buxton, if he were voting, he would be voting no.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Ellsworth, Mr. DeVane, that the House recede and

concur 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," Senate Paper 172, L. D. 623. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berube, Chonko, Connolly, Cox, Curran, R.; DeVane, Farley, Fraser, Goodwin, K.; Hennessey, Hewes, Hobbins, Ingegneri, Jacques, Kany, Kelleher, Norris, Pelosi, Peterson, T.; Rideout, Shute, Smith, Talbot, Twitchell.

NAY — Albert, Ault, Bagley, Bennett, Berry, G. W.; Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Call, Carey, Carpenter, Carroll, Carter, Churchill, Clark, Connors, Curran, P.; Curtis, Dam, Doak, Dow, Drigotas, Durgin, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Hall, Henderson, Higgins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kauffman, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McKernan, Mills, Miskavage, Mitchell, Morton, Mulhern, Nadeau, Najarian, Palmer, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Rollins, Silverman, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Tyndale, Wagner, Wilfong, Winship.

ABSENT — Byers, Cooney, Cote, Davies, Dudley, Dyer, Greenlaw, Hinds, Littlefield, Lynch, McMahon, Morin, Saunders, Strout, Truman, Usher, Walker, Webber.

PAIRED — Berry, P. P.; Lizotte.

Yes, 25; No, 104; Absent, 18; Paired, 2.

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

Mr. Kelleher of Bangor moved that the House insist and ask for a Committee of Conference.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that the House would go against the motion to insist and ask for a Committee of Conference and vote to adhere.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House insist and ask for a Committee of Conference. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 94 having voted in the negative, the motion did not prevail.

On motion of Mr. Jalbert of Lewiston, the House voted to adhere.

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) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-518) Report of the Committee on Judiciary was read and

accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-518) as amended by House Amendment "A" (H-600) thereto in the House on June 2.

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

In the House:

Mrs. Boudreau of Portland moved that the House insist.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This is not a new program. This program is already in existence but it is not mandatory. Actually, this bill doesn't make it completely mandatory, it tightens it up somewhat. The amendment Mr. Perkins put on took care of all the objections to the bill and it does make allowances for anyone who cannot go through the course.

You may be interested, this program went into effect in July of 1974 and between July of 1974 and December 31, 1974, there were 2,800 convictions for driving under the influence, that is a first conviction, and of that total, 1,150 participated in the course. During that period of the 130 that were picked up for multiple convictions, only five had been through the program. I think this shows that the program has a good record but has not reached all the people who need it.

You might be interested to know that the lower age driver makes up over one third of all the arrests and it is increasing yearly. In 1970, drivers between the ages of 15 and 17, there were only 32 arrested. In 1974, in that same age group, 703 were arrested for driving under the influence. In the 18-year-old group, in 1970, 49 were arrested; in 1974, 355. In 1970, in the 19-year-old group, 77 were arrested; in 1974, 344. Between the 20 and 24-year-old group in 1970, there were 558; in 1974, 1,381.

Now, if this program is mandatory and we can reach these young drivers on their first offense, it certainly is worthwhile. The program is self-supporting, no state funds are involved, each participant is charged \$30. The course is a 10-hour program and if they successfully complete the course, they obtain a conditional license after 30 days. This means they will have a license to drive back and forth to work, to school, college. If they do not take the course, the present law is four months suspension. So this, in many ways, as well as helping them with the rehabilitation course, it also helps them to maintain a job. I certainly hope that you will insist.

The schools have been set up throughout the state. There is one in Caribou, one in Fort Kent, one in Houlton, one in Presque Isle, one in Calais, one in Machias, one in Ellsworth, one in Bangor, one in Dover-Foxcroft, one in Millinocket, one in Farmington, one in Waterville, one in Mexico, one in Skowhegan, one in Belfast, one in Wiscasset, one in Augusta, one in Rockland, Bridgton, Lewiston, Bath, Portland, Kennebunk, Sanford and Biddeford. They are pretty well accessible, and I do hope you insist.

Thereupon the House voted to insist.

The following Communication:
COMMITTEE ON EDUCATION

May 29, 1975

Honorable John L. Martin
Speaker of the Maine House
State House

Augusta, Maine 04330

Dear Speaker Martin:

The Committee on Education is pleased to report completion of the legislation placed before our committee in this session.

Our bills have been reported out as follows:

Ought to Pass	20
Ought to Pass as Amended	14
Divided Reports	9
Leave to Withdraw	7
Ought Not to Pass	5
Total Bills	55

Cordially,

Signed:

ARTHUR P. LYNCH
House Chairman
Committee on Education

The Communication was read and ordered placed on file.

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

Bill "An Act Relating to the Expediting of Procedures Under the Municipal Employee Labor Relations Board" (H. P. 1169) (L. D. 1467) — In the House, Passed to be Engrossed as amended by Committee Amendment "A" (H-428) — In Senate, Indefinitely Postponed in non-concurrence.

Tabled — by Mr. Rolde of York

Pending — Further Consideration

On motion of Mr. Dam of Skowhegan, the House voted to recede from passage to be engrossed.

On further motion of the same gentleman, the House voted to recede from the adoption of Committee Amendment "A".

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

House Amendment "A" to Committee Amendment "A" (H-636) was read by the Clerk and adopted.

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

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

On motion of Mr. Spencer of Standish, the House reconsidered its action of earlier today whereby Bill "An Act to Establish Assessments upon Certain Public Utilities and to Authorize Use of the Funds Generated by those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 1407) (L. D. 1719) was passed to be engrossed as amended.

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

House Amendment "A" (H-638) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to change the figure one-twentieth to one-tenth. It was supposed to be included in the Committee Amendment and is necessary in order to raise the amount of money which is specified in the bill. When the Committee Amendment was drawn up, by an oversight, that change was left out. It has been agreed to by the committee and by the representatives at the utilities.

Thereupon, House Amendment "A" was adopted.

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

(Off Record Remarks)

On motion of Mr. Rolde of York
Adjourned until nine-thirty tomorrow morning.