

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, June 4, 1975

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

Prayer by the Rev. Shane D. Estes of Winthrop.

The journal of yesterday was read and approved.

**Papers from the Senate
Report of Committee
Divided Report
Tabled and Assigned**

Majority Report of the Committee on Natural Resources reporting "Ought not to Pass" on bill "An Act to Establish a Public Preserve in the Bigelow Mountain Area" (I. B. 1) (L. D. 1619)

Report was signed by the following members:

Messrs. O'LEARY of Oxford
WYMAN of Washington
—of the Senate.

Mrs. HUTCHINGS of Lincolnville
Messrs. CURRAN of Bangor
McBREAIRTY of Perham
AULT of Wayne
CHURCHILL of Orland
BLODGETT of Waldoboro
HALL of Sangerville

—of the House.

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

Report was signed by the following members:

Mr. TROTZKY of Penobscot
—of the Senate.

Messrs. PETERSON of Windham
DOAK of Rangeley
WILFONG of Stow

—of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report Read and Accepted.

In the House: Reports were read.
(On motion of Mr. Peterson of Windham, tabled pending acceptance of either Report and tomorrow assigned.

Orders

Mr. Lewin of Augusta presented the following Joint Resolution and moved its adoption: (H. P. 1661)

In Memoriam

Having Learned Of The Death Of John A. Littlefield Of Randolph

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

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

The Resolution was read.

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

Mr. LEWIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in sadness to make a few brief remarks. John Littlefield, an active political person, a former journalist, a college administrator, and a friend died in an auto accident this past Sunday night.

I use the term "political person" without reference to party. John devoted his time away from work to the cause of getting and keeping people interested and concerned enough about politics that they took an

active part. He helped raise money, he got signatures on petitions, he organized and coordinated caucuses and dinners, and all the while promoted effective and good government to the glory of others. These were thankless jobs for the most part, but John did his work well without complaint and for which we are grateful.

John was exceptionally good working with young people in the community throughout the state, especially tied in as he was with the Y.M.C.A. activities. He was likeable, always willing to help and respected for his good judgment at all times. We will miss John. He is leaving a void that cannot easily be filled. The State of Maine has lost a valuable citizen.

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

Mrs. Tarr of Bridgton presented the following Joint Order and moved its passage: (H. P. 1663) (Cosponsor: Mr. LaPointe of Portland)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Maine Special Olympic Committee and the Joseph P. Kennedy, Jr. Foundation sponsor of the 1975 Maine Special Olympics state meet which was held on May 30th and 31st at Portland Stadium and YMCA

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

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

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

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

Mr. Hughes from the Committee on Judiciary on Bill "An Act to Lower the Age of Juveniles Subject to the Juvenile Act" (H. P. 325) (L. D. 397) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mrs. Clark from the Committee on Business Legislation on Bill "An Act Relating to the Indemnification Provisions of the Maine Business Corporation Act" (H. P. 492) (L. D. 611) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

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

Mr. Twitchell from the Committee on Taxation on Bill "An Act Relating to the State Valuation of the Town of Stoneham" (H. P. 1567) (L. D. 1875) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Appropriating Funds for the Reimbursement of the Town of Stoneham for Property Declared Tax Exempt After the Determination of the State Valuation (H. P. 1662) (L. D. 1914)

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-635) on Bill "An Act Relating to Occupational Safety and Health in Public Employment" (H. P. 478) (L. D. 646)

Report was signed by the following members:

Messrs. McNALLY of Hancock
PRAY of Penobscot
ROBERTS of York

—of the Senate

Mrs. CHONKO of Topsham
Messrs. LAFFIN of Westbrook
TEAGUE of Fairfield
TIERNEY of Durham
SNOW of Falmouth
FLANAGAN of Portland
MARTIN of St. Agatha

—of the House

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

Report was signed by the following members:

Mrs. TARR of Bridgton
Mr. SPROWL of Hope

—of the House

Reports were read.

On motion of Mr. Tirney of Durham, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-635) was read by the Clerk and adopted and the Bill Assigned for second reading tomorrow.

**Divided Report
Later Today Assigned**

Eight Members of the Committee on Natural Resources on Bill "An Act Relating to the Saco River Corridor Commission Law" (H. P. 1123) (L. D. 1401) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-625)

Report was signed by the following members:

Messrs. WYMAN of Washington
O'LEARY of Oxford

—of the Senate.

Mrs. HUTCHINGS of Lincolnville
Messrs. HALL of Sangerville
AULT of Wayne
CHURCHILL of Orland
McBREAIRTY of Perham
CURRAN of Bangor

—of the House.

One member of the same Committee report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-626)

Report was signed by the following member:

Mr. TROTZKY of Penobscot

—of the Senate.

Two Members of the same Committee report in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "C" (H-627)

Report was signed by the following members:

Messrs. WILFONG of Stow
BLODGETT of Waldoboro

—of the House.

Two Members of the same Committee report in Report "D" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. PETERSON of Windham
DOAK of Rangeley

—of the House.

Reports were read.

(On motion of Mr. Rolde of York, tabled

pending acceptance of any Report and later today assigned.)

Consent Calendar First Day

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

(H. P. 541) (L. D. 657) Bill "An Act Transferring the Institutional Resident Advocate Program of the Department of Mental Health and Corrections to the Human Rights Commission" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-628)

(H. P. 1427) (L. D. 1796) Bill "An Act to Revise the Charter of the Augusta Water District" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-630)

(H. P. 1453) (L. D. 1741) Bill "An Act Concerning the Workmen's Compensation Act" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-633)

(H. P. 1258) (L. D. 1553) Bill "An Act Concerning the Agency Collection Act" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-634)

(H. P. 1291) (L. D. 1598) Bill "An Act Concerning the Formation of Corporations without Capital Stock" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-639)

(S. P. 334) (L. D. 1120) RESOLUTION, Proposing an Amendment to the Constitution to Provide for Determination of Inability of the Governor to Discharge the Powers and Duties of His Office — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-243)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 5 under listing of the Second Day.

Consent Calendar Second Day

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

(H. P. 1509) (L. D. 1840) Bill "An Act to Incorporate the Woodlands Utilities District" (C. "A" H-620)

(H. P. 1074) (L. D. 1354) Bill "An Act Concerning Prima Facie Evidence that a Lobster is Female" (C. "A" H-617)

(S. P. 236) (L. D. 815) Bill "An Act to Clarify the Laws relating to Municipalities" (C. "A" S-231) (Later Reconsidered)

(S. P. 465) (L. D. 1518) Bill "An Act to Clarify the Municipal Regulation of Land Subdivision Law" (C. "A" S-230)

Bill "An Act to Create a Construction Loan Program in which the Maine Housing Authority and Financial Institutions May Participate" (Emergency) (C. "A" S-234) (S. P. 192) (L. D. 660)

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

Second Reader Recommended

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)

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

On motion of Mr. Dam of Skowhegan, recommitted to the Committee on Local and County Government and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act Relating to the Definition of Motor Vehicle Dealers" (H. P. 439) (L. D. 546)

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 Forester Registration and Licensing" (H. P. 1329) (L. D. 1412) (C. "A" H-621)

Bill "An Act Relating to School Administrative District No. 53" (S. P. 526) (L. D. 1891) (C. "A" S-226)

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) (C. "A" S-229)

Bill "An Act to Clarify Certain Provisions of the Tax Lien Law" (S. P. 373) (L. D. 1200) (C. "A" S-203)

Bill "An Act to Allow Nonprofit Corporations to Operate Ferries on Casco Bay" (H. P. 1150) (L. D. 1444) (C. "A" H-586)

Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay (H. P. 1154) (L. D. 1448) (C. "A" H-631)

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.

Later Today Assigned

Bill "An Act to Clarify the Laws Relating to Superior Court Commitment of Mentally Disordered Persons" (H. P. 170) (L. D. 225) (C. "A" H-564)

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

(On motion of Mrs. Clark of Freeport, tabled pending passage to be engrossed as amended and later today assigned.)

On motion of Mr. Dam of Skowhegan, the House reconsidered its action of earlier in the day whereby Bill "An Act to Clarify the Laws Relating to Municipalities," Senate Paper 236, L. D. 815, was passed to be engrossed as amended on Consent Calendar Second Day.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-231) was read by the Clerk.

On motion of Mr. Dam of Skowhegan, tabled pending the adoption of Committee Amendment "A" and later today assigned.

Constitutional Amendment Failed Final Passage

Resolution, Proposing an Amendment to the Constitution to Eliminate the Requirement for Indictment by a Grand Jury After Finding of Probable Cause by a Court of Competent Jurisdiction. (S. P. 247) (L. D. 820)

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

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I would like to call the House's attention to what I consider to be a very important vote that we will be taking in the next few minutes. It has to do with a resolution proposing an amendment to the Constitution to take out of the Maine Constitution Article I, which is labeled the Declaration of Rights, citizens' right to request to be indicted by a Grand Jury for a felony, that is for major, so-called infamous crimes.

I think you ought to look at this very carefully, because this is something that has been part of the State of Maine Constitution and also part of the United States Constitution ever since either one of those political bodies has been in existence. What it does, it simply added a little phrase into Article I, Section 7 of the Constitution. It says, "No person shall be held to answer for a capital or infamous crime unless on a presentment by a Grand Jury, except upon information for a infamous crime after finding a probable cause by a court." In other words, if the prosecutors decide that they would rather not go to the Grand Jury, maybe they don't feel they can make their case there, they can merely take it to a judge, and in a hearing in which both sides are represented, they may then get an indictment and following that, the individual would be held for a trial.

It is true that some people have said that after all, you do get a jury trial afterwards. The fact is, once you are indicted, in the public mind at least, you have a rather difficult time overcoming presumption that there wasn't some hanky-panky to begin with.

I think the Grand Jury was put in here, in the Constitution, for a very, very good reason, one of which was the protection of the citizen against the state in political affairs. An example of this that has come to my attention that I mentioned before, and I am just saying this again to raise your conscientiousness about this issue, is that Franklin County Commissioners, who were alleged to have engaged in what the newspaper called the Franklin County Watergate scandal and so forth, and the prosecutor brought various charges to the Grand Jury and the Grand Jury did not indict. Whether or not there was some hanky-panky, I don't know, but the fact is, the Grand Jury acted as a barrier at least until more evidence was gained to really find a good cause for this.

This is the kind of case where sometimes the prosecutors are given a sort of political requirement to get an indictment to do something. If it was just before the court, it would be much easier, and it may even be a good thing from time to time, but a Grand Jury at least provides protection of having peers look over this before the indictment is actually taking place.

There may be some faults with the Grand Jury system, but I think that the solution to that is to improve that system, make things work better, educate Grand Juries better, provide both sides of the conflict in the Grand Jury hearing, but to basically take out of the rights of the individual the opportunity to be indicted by a Grand Jury, I think is much too great a step.

This does require a two-thirds vote this morning. It means, therefore, that one-third, plus one of the members of this body may affect this decision by not

allowing it to pass, and I urge you to consider it very carefully and I hope you vote against enactment.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: As the gentleman from Bangor said, one of the purposes of the Grand Jury proceedings is to secure the citizens from an open and public accusation of crime and from the trouble, expense and anxiety of public trial before a probable cause is established by presentment or indictment of a grand jury.

The U.S. Supreme Court stated long ago that the most valuable function of the Grand Jury is not only to examine into the commission of crimes but to stand between the prosecutor and the accused and to determine whether the charge is founded on credible testimony or is indicted by malice or personal ill will. Thus it becomes clear that the phrase to inquire into the case of every person imprisoned and not indicted derives from a sense of justice which recoils at the thought of a criminal trial that is unwarranted.

Some would have us believe that the primary function of a Grand Jury is to protect the accused. However, the one duty of the Grand Jury that is universal is the duty to indict persons accused of crime upon finding of probable cause. This was its chief function at common law and remains so today. However, Grand Juries have powers ancillary to the main functions they are expected to perform. For example, the duty to indict is the power to issue subpoenas or other process for calling the witnesses. The duty to inquire into the willful misconduct in office of public officials carries with it the right to examine the records and accounts set by these officials.

In a single case then, the Grand Jury might initiate the investigations by its subpoena power, the quasi-accusatory function and subsequently protect the accused by probable cause standards. The role again will become accusatory if the standard is met. Thus in a typical case, the Grand Jury's role may change from accuser to protector and back to accuser.

Before you vote on this, I would like to refer you to your House Register, page 4, Section 7. I think you will agree that this probably is a valuable part of our constitutional rights.

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

Mr. CALL: Mr. Speaker and Members of the House: L.D. 820 is indeed a frightening proposal and I urge this House to vote against its enactment.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I have risen before in support of Mr. Henderson's contention that this is indeed a bad bill. I would almost say it is an infamous bill. Just think of it. The bill would give less protection to the citizens of Maine than the federal government does. The federal government insists on a Grand Jury indictment.

Under federal laws, there are many more crimes which fall into the white-collar class than on the state level. On the state level, you have more of the violent crimes. If the federal government can be so concerned about a citizen's rights where there are so many white-collar crimes committed under a

statute, it still insists on a Grand Jury indictment. I think the state can do no less.

Let me pose just one particular example which is very much in our minds. I believe it is a recent happening, and that is the indictment and the conviction of the former Vice President, Spiro Agnew. Just consider how much of a crowd would still hover around that incident if there had been a judge appointed by a President of the opposition party, there was a probable cause hearing, he was found to be suspected of committing a crime and then there was a trial. Forever there would be the question, was this man railroaded for political reasons? I, for one, as a former federal agent and happy that Spiro Agnew went before a Grand Jury and he received every single protection imaginable, even if those protections were slightly redundant, because then when he was found guilty, justice had been truly done.

I urge you to vote against passage of this, weakening of the Constitution.

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

Mr. HEWES: Mr. Speaker and Members of the House: I am in favor of passage of this resolution. I urge you to vote for it. This doesn't eliminate the Grand Jury as such. In other words, it would not eliminate the initiation of charges such as was mentioned by the gentleman from Rockland a few moments ago, and it doesn't eliminate the 12-person jury trial, the regular trial that we know of that receives publicity in the newspapers. It does, however, eliminate one of the steps in accusing a person of certain crimes. The first step in this type of crime, and this doesn't affect treason or impeachment, the first step is a hearing before a district court judge. The district court judge must find probable cause right away, a speedy hearing and within a few days of the time the person is accused, he is brought before a district court judge who hears certain evidence, the state's side of the case generally, and if he finds there is probable cause, then the accused next, under our present system, is bound over to the Grand Jury. It is that step we want to eliminate, the Grand Jury hearing.

Then there is still a third time when the actual trial takes place. Elimination of this phase will lessen the cost that we pay Grand Juries. We will still have a Grand Jury system, but they won't be handling as many cases as they do presently. It will also eliminate time and effort expended by members of the public whose property has been robbed or taken or the ones who have been aggrieved, because they won't have to appear at this second hearing.

I urge you to pass it. I would like to point out that we received an opinion, Senator Clifford, the sponsor, received an opinion from an Assistant Attorney General which says that the passage of this resolution, this amendment, would not violate the United States Constitution. So I urge you to vote yes for this resolution.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I do not intend to support this bill we have before us. In my judgment, here you are taking away from the jury to decide and leaving it in the hands of one judge. There is no question that this is an attorney's bill, one of those famous lawyer bills we get occasionally here in the House, and I can't see any reason why any member of the House should support this type of legislation.

The SPEAKER: This being a Constitutional Amendment, it requires a

two-thirds vote of those present and voting. All those in favor of this Constitutional Amendment being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 100 in the negative the motion did not prevail.

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

Mr. ROLDE: Mr. Speaker, I move we reconsider our action whereby this Resolution failed of final passage and I hope you all vote against me.

The SPEAKER: The gentleman from York, Mr. Rolde, having voted on the prevailing side, now moves that we reconsider our action whereby this Resolution failed of final passage. All in favor of reconsideration will say yes; those opposed will say no.

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

Passed to Be Enacted Emergency Measure

An Act to Reactivate the Governor's Committee on Children and Youth (S. P. 138) (L. D. 442) (C. "A" S-189)

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. 98 voted in favor of same and 21 against.

Thereupon, Mr. Rolde of York 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 Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, would any member of the committee that hears this bill care to enlighten the House on just what Committee Amendment "A" (S-189) is?

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill and the amendment is a redraft of the original bill, and the situation is that there has been a Committee on children and youth established on a session to session basis in the statutes to act as an advocate for youth in the state to formulate legislation and to act as an advocate.

The Committee would like to continue operation. The only funds attached to the bill are \$3,000 which would be for simple travel expenses of the board members. There is no money in the bill for any staff or any expenses beyond the groups meeting and coming together and discussing the problems of children and youth, and there are specific prohibitions against them hiring any staff with CETA funds or with any other funds. This is an organization that has produced some good works in the past that has led to some progressive legislation here, and they are a sincere group who would like to continue working in that regard and would like the committee continued.

The State Government Committee drafted a bill that severely limited their ability to grow as a bureaucracy but did allow them to continue as a committee.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose another question to the gentleman on State Government or any other member. I see here in the bill in 442 that it can receive federal monies. I would just like to know what the committee or the commission, if it does receive monies, what intentions are there as far as the commission is concerned in using these funds?

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

Mr. COONEY: Mr. Speaker and Members of the House: To the best of my knowledge, the amendment that we approved in committee, and I don't have it before me right now, but the amendment that we approved in committee prohibited the receipt of any funds.

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

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: I would like to point out perhaps for those of you who have not been here before and for those of you who have, that the Committee on Children and Youth used to be part of a three-committee package which came into the legislature every two years. The Committee on Aging was one and the Governor's Council on the Status of Women was the other. As you may know the Committee on Aging was taken out of this legislation two years ago and has been made a permanent part of State Government with a sizeable appropriation. I think the least we could do is to continue this Committee on Children and Youth which bears parallel responsibilities for children as does the Committee on Aging for our senior citizens. I would hope that you would pass it. It is a very small appropriation. I think the committee has a purpose to serve, and I would ask you to pass it this morning.

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

Mr. LAPOINTE: Mr. Speaker, I would like to ask a question through the Chair to the State Government Committee if I may. What is the relationship of this particular project and another project that has been funded with a L.D.A.A. Grant for the planning of Children and Youth Services for approximately two years?

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: The answer is, there is no legal relationship at all.

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

Mrs. LEWIS: Mr. Speaker and Members of the House: I am very interested in children and youth and I would like to know what legislation has come into this Body as an outcome of this group and have they really done anything but attend meetings?

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

Mrs. POST: Mr. Speaker, Men and Women of the House: One of the issues that the Governor's Committee on Children and Youth was concerned with was the Child Abuse legislation which came through the House a few months back. They also have a report which I understand you may have misplaced in the maze of papers we get, but there is about one-half inch thick report on the needs of

children and youth which, if you want to dig back, you may find, and one of the things they did was to make recommendations on several pieces of legislation and they have testified at various hearings on legislation having to do with children and youth.

I would like to respond if I could to the question put by Rep. LaPointe, and that was the relationship of this committee to another committee which was heavily funded and which is supposed to act, I guess, for a two-year period to come up with a service delivery system for children and youth. The main difference between these is that the program under the Governor's office has little, if any, representatives of parents and youth on their committee. The Governor's Committee on Children and Youth, while it does have representation from providers, also has parents on the board, has youth on the board and I think it is certainly worth this Body's positive action today.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am opposed to the passage of this measure. To further answer the woman's question, they have never initiated any programs before this House. They may have come individually and spoke in favor of some legislation pending regarding youth, but they have never initiated any and I have never seen anything they have done that I thought was constructive. At least from Penobscot County, the people serving, in most cases, haven't even had any children. I can't see that it has accomplished anything and for this reason I can't see any reason to continue it. They can continue it without us funding it but they are sticking around looking for more funds each year. Until such time as I can see where they initiated some legislation or done some good, in this case, I'd be willing to support them, but at the present time, and I have kind of kept close watch of this for the last few sessions because I was interested. I am interested in children and youth myself and I want to see everything initiated that will help children and youth but I can't see where this group has done anything to promote legislation or sponsor legislation or ask that it be sponsored.

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

Mrs. POST: Mr. Speaker, I think in response to Representative Dudley's comments, of course the Governor's Committee on Children and Youth cannot sponsor legislation because only Representatives can sponsor legislation. They have been heavily involved in various pieces of legislation which have come through this Body and having attended many of their meetings, I am well aware of the dedication and the time that many of the people on this committee have put in. I think that they are speaking for the various groups of people in this state, either who are interested in children, we have had youth attend the meetings and they have also spoken for those needs. I would ask for your positive response on this.

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

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curtis, Davies, DeVane, Dow, Durgin, Farnham, Fenlason, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Mitchell, Nadeau, Najarian, Palmer, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Truman, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Berube, Bowie, Call, Connors, Cote, Doak, Dudley, Dyer, Finemore, Garsoe, Gould, Hewes, Hinds, Hunter, Hutchings, Immonen, Kelleher, Lewis, Littlefield, Mills, Morton, Norris, Perkins, S.; Peterson, P.; Raymond, Rideout, Strout, Susi, Tozier, Walker, Webber.

ABSENT — Curran, R.; Dam, Drigotas, Farley, Faucher, Gauthier, Kauffman, Morin, Mulhern, Peakes, Sprowl.
Yes, 108; No, 31; Absent, 11.

The SPEAKER: One hundred and eight having voted in the affirmative and thirty-one in the negative, with eleven being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act to Transfer Authority for Truth-in-lending Examinations and Enforcement from the Bureau of Banks and Banking to the Bureau of Consumer Protection (H. P. 323) (L. D. 454)

(On motion of Mrs. Boudreau of Portland, tabled pending passage to be enacted and tomorrow assigned.)

Emergency Measure

An Act to Institute a Fee System for Hospitals, Nursing Home and Boarding Home Licenses to Fund Costs of Licensing (H. P. 1129) (L. D. 1405) (C. "A" H-482, H. "A" H-509)

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. 102 voted in favor of same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Remove the Requirement that Municipalities Composing a Transit District be Contiguous and to Authorize Municipal Transit Districts to Provide Transportation Service Outside of District Boundaries and Concerning Advertising which may be Carried by Certain Transit District Buses (H. P. 1244) (L. D. 1545) (H. "B" H-498)

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. 107 voted in favor of same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Make Available Wood Fuel for Low-income Citizens (H. P. 1228) (L. D. 1754) (C. "A" H-523)

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

Mr. PALMER: Mr. Speaker and Members of the House: This bill has been sailing through here without one word of debate. I know it came out of Natural Resources with a unanimous committee report and I have noticed some papers on the desks this morning indicating an editorial comment on this throughout the state. It does seem to me to be a departure from our normal method of doing business and I just wondered if the sponsor of the measure would enlighten us as to exactly how this program would be implemented and just a general rundown on the bill itself.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I am the father of this bill, just as I was the Citizen's Garden Act, and conceptually both bills and especially this bill were to make use of an item that the state has as part of its natural bounty, which it could make available to those citizens of this state who are less fortunate than a number of other citizens, especially in hard times when you have spiralling inflation and deepening recession, and I have noticed a lot of people, especially in my area of the state, and I am sure it's taking place all around the state from the sale of woodstoves, that a lot of people are going back to the use of wood and I thought that if there was wood available in the Maine forests, diseased wood, dead wood or wood that just through good conservation measures should be thinned out from other trees, this could be used to help people through these hard times.

The state's involvement in it is that the Department of Conservation, headed up by Dick Barringer would designate the trees, the area, and mark the trees to be cut. They then would give a permit to cut on these lands to a municipality or non-profit organization, (we're thinking mostly of O.E.O. who had a program "project fuel" which they put insulation into low income houses to help with fuel costs) this federal agency who has the money to do this kind of program would hire professional wood cutters who would cut the wood, truck it to central locations and it would be dispersed by the Office of Economic Opportunity according to one's lack of income. It will not cost the state any money other than the marking and designating of areas which the Department of Conservation says it can do without any problem. The implementation is the difficult thing. This is a vehicle for the implementation, allowing some non-profit groups, some Human Service group in an area where there are public lands available or wood available, would contract with a local wood cutter who then would cut this and it would then be made available by this agency at cost or if they wanted to subsidize the cost for low income people.

There was a newspaper article which I

had passed around that came out at the end of April, I think, in the Maine Sunday Telegram, and then there was an editorial in the Bangor Daily News entitled "Get the Wood Out". I also received some letters from some people, I received one from a lady in Bangor who had mothered ten children, she and her husband are on Social Security, have very little money and said this kind of a bill would be a blessing for them if they could in some way obtain low-cost wood.

The National Forest presently has a program whereby each citizen of the state can cut up to I believe 10 to 20 cords of wood from a National Forest that would be designated. This program is in effect now, the Representative from Stow, Representative Wilfong, can explain that in more detail, but this is a vehicle to help use an item. It won't cost middle income people anything to support those less fortunate like we usually do; we tap the middle class to provide for welfare benefits or this kind of thing.

This, I hope, is a novel idea and will provide inexpensive wood to people. It doesn't involve the state economically and if the thing was to flounder, which I hope it doesn't, I don't know how it could, I would be the first to call for the repeal of it. But I would hope that we could enact this today and help the people through hard times this coming winter if we can get some of this dead, diseased and live wood which should be thinned out from the standing forests to these people to help them with their heating bills, I hope this House would support such a measure.

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

Mr. PERKINS: Mr. Speaker, Member of the House: Having listened to Representative Peterson and reviewed the Committee Amendment, I would like to have him respond a little clearer. As I read this, it says any government agency responsible, etc., shall be responsible for the cutting, delivery and distribution of such wood unless. . . Now, if I read that and understand it the way I think it is stated, that could require the Department of Mental Health to cut, deliver and distribute. Now, if that is the case, I don't see how the state is going to get away from paying for it or avoid having to provide the men, the material, the trucks and the delivery of the wood to the various places to which it may go. I cite the Department of Health and Welfare only as one state agency, there could be others, but could he explain how they are not going to have to pay for that, and would we in turn have to pay for those services?

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: To answer that question, there is no intent that the state or State Department of Health and Welfare would get involved in this program. Primarily, negotiations have been going on between the Department of Conservation and the Office of Economic Opportunity to sponsor this kind of program.

The bill does provide for any municipal or governmental agency or non-profit agency to get into providing low cost wood. I wouldn't think that the State Department of Health and Welfare would volunteer to do this program if they didn't have the money to do it and I am not looking for them to get into it. We're looking to the

Office of Economic Opportunity, who had great success, the federal program, with their Project Fuel where they went around the state insulating homes of low income people.

This does not bind any state agency to provide wood to low income people, this only enables, if there was a state agency that had the money and had the plan to deliver it, to get involved in it, but I am not looking to a state agency, I am looking to a federal program also looking to the implementation of this program through the CETA jobs. The wood could be cut by CETA people, unemployed wood cutters. The wood could also be delivered in part by assistance from the Air National Guard of the Army National Guard. These are all options that are open and these things will be worked on.

The idea is a cooperative effort between the state, local and federal governments to deliver a resource that just lies on our land and wastes and rots, and I think this is the vehicle. The original bill that I sponsored was the Citizen's Woodcutting Act, which said you and I could go out and cut up to two cords of wood a year. The Department of Conservation was upset with that, they just could see all these urban people, city slickers going out to the woods with chain saws and axes and cutting off legs and all this kind of thing so we have taken that part of it out of it. We are going to allow Conservation to designate and mark trees and they then, with a responsible governmental agency that wants to do this and contract with them for the cutting and the delivery. That will be the end of the Conservation's involvement. So there really is no involvement of state dollars unless some state agency has the money and wants to get into it, and I don't know of any, and it wasn't designed for state agency to deliver.

It also enables the Department of Parks and Recreation and Forestry to allow cutting on their lands. Right now, Forestry and Parks and Recreation cannot allow or authorize people to cut wood on their land. Only the Department of Conservation has that. This bill would enable Parks and Recreation to be able to authorize cutting of designated trees in areas, and if there are no trees designated, the program will not function. It is only if conservation takes it upon themselves to go out and designate areas and mark trees and that the Office of Economic Opportunity wants to develop this program, hire wood cutters and then deliver it, that is what we will be doing, but the purpose is to deliver wood to low income people to help them through the winters.

It seems crazy to me, crazy, that the state is already not making this kind of wood available, even at cost to people. I would think that we would be able to make it available to everybody, not only those of low income. It is our greatest resource; it is abundant and it is out there and it is a good alternative source of heating your house. I heat with wood, I have an oil backup system, but I heat exclusively with wood and believe me, it cuts your oil bill considerably. This bill is designed primarily to help people who are less fortunate than those of us who can afford oil to help heat their homes. That is the sole purpose of it. It is not to get any state agency involved nor any state money behind it. It is only to make wood available to help people.

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

Mr. WILFONG: Mr. Speaker, Ladies

and Gentlemen of the House: I support this bill wholeheartedly. It is a great bill. The United States Forest Service presently allows a citizen to go and cut up to ten cords of wood after it has been marked by the Forest Service for their own use. It is taking advantage of a resource that we have in great abundance. The State of Maine is about 90 percent of its land is covered by timber. We have great numbers of cords of wood that is just standing in the forests waiting to be cut, wood that could be culled, wood that is falling over, blowdowns, whatever.

In the area where I live, people used to have their own little woodlots and, as a matter of fact, some towns had common lots where people could go up and cut wood and get their winter's wood supply, but with Maine becoming more and more a vacation state and the increased valuation of property, many of the families who used to heat exclusively with wood have had to sell their land and consequently only own a small acre or two or maybe four or five acres of land and do not have an opportunity to cut wood to use it as a fuel source. With the price of wood skyrocketing, if you buy it already cut and split, in some cases you pay as much as \$100 a cord. This affords them an opportunity to go out and to be able to get some wood at a relatively cheap cost to government and I think it is a good bill. It's a people's bill and I support it and I hope that you will support it this morning and, Mr. Speaker, when the vote is taken I would ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentlewoman from Millinocket, Mrs. Laverty.

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make one point. Coming from Millinocket, you know Millinocket and the Great Northern Paper Company are synonymous, and the company has been very generous there in letting the people go into their woodland to cut their own firewood. There is a good relationship there. Now, that is just one incident. I wanted to point out that you be very careful where you cut this wood. It is going to have to come from privately-owned woodlots and it has got to come possibly from the state public lots. There is a geographic situation here and there may be the right to cut on other people's land that has to be considered. I just point that out, but I do feel this is an excellent bill because we can use the wood but it must be very carefully regulated who is to cut where.

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

Mrs. BERRY: Mr. Speaker, I am just wondering what is going to happen. Last year when we were talking about public lots, it seems that the state doesn't know where they all are and who is going in and mark these woodlots? As it is now, farmers and woodlot owners find that people are coming in and cutting wood on lands that aren't theirs. I am sure this is going to happen if this bill goes through. Farmers can't even go out and cut wood the way they want to, they have to go through a rigmarole just like you do when you build a home now with all the restrictions.

I would like to ask a question through the Chair, Mr. Speaker. Mr. Peterson has said that somebody would authorize this and authorization is just a small part of what this would encounter. Who is to oversee and see that the cutting is according to state rules and regulations and who is to

see that these lands that are marked are truly public lands and a number of these things? Does Mr. Peterson know how much it costs to hire somebody to cut a cord of wood? It seems to me that there are a lot of it's and but's about this bill.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: If you would read the committee amendment, it spells out very clearly what the Department of Conservation, who is in charge of our public lands, will do. The Department of Conservation are the trustees of public lands in a sense, we are the beneficiaries, all the citizens of the state are the beneficiaries and they look out for our interests in terms of the public lands. They are the ones who are trying to get the state's title back to all the public lands.

The Department of Conservation itself will designate areas, general areas of the public lands, establish and define public lands or in parks and recreation areas, they will designate areas and they will individually mark trees. They will supervise all the cutting that is being done; in other words, they will see that only the trees that are marked in a designated area will be cut. This is their responsibility that the state has charged them with to look out for our public lands and they are more than happy to do this.

So it is going to be very carefully supervised. It does not enable you or I to go out and cut wood, it only authorizes a governmental agency to enter into a contract with a professional woodcutter, one who does this for a business, to go in and cut the designated areas and mark trees.

Now the implementation of this program, the Office of Economic Opportunity will see that this wood is cut, trucked to central locations such as the urban areas — I am not concerned with the more rural areas where each one of us has a woodlot and where we can go out and cut our own wood. I have a 20 acre woodlot and I can cut my firewood from it in Pownal, Maine and I do and I know a lot of people in the northern part of this state who have woodlots and have a large area of land where they can cut down the trees, but the people in the southern part of the state, compact development, a lot of housing developments, live on one-half acre lots or one acre lots where all of the trees have been cut, or people who live in the cities who don't have any trees at all who have to buy little bundles of wood and believe me, those little bundles of wood are expensive, this wood would be trucked into those urban areas and would allow the citizens of Westbrook, of Portland, Cape Elizabeth, Biddeford, Lewiston-Auburn, the Bangor area. I even had interests from Bangor on this bill. It is not going to open up the forest to indiscriminate cutting, in no way. The original bill might have been guilty of that, but the Committee Amendment doesn't do that.

I would hope that you would think of our constituents who are less fortunate than we are and who need help and a way of giving them assistance without pulling money out of the middle class, out of the taxpayer all the time. I think this is a novel idea. I am not giving myself a pat on the back for coming up with the idea because it only seems like a common sense idea of using the state's resource. We pour a million dollars into spraying the spruce budworm so that we protect the forests of

the State of Maine and protect an economic industry that is important to the State of Maine, but why can't we make this wood that is so bountiful available to a few people who are less fortunate than we are? I don't see the problem, I really don't, and I'm the owner of a woodlot and I wouldn't want somebody coming in cutting on my property, but this doesn't open that up. I hope you will think about the concept, I know it's a novel idea, but just think, what has this legislature done this session for the people of this state that hasn't cost them a lot of money or won't be costing them a lot of money in the future? I think this is one bill, a novel bill, that won't cost people a lot of money and will provide a source of heat which will be less expensive than the typical fossil fuel.

I would urge that you really think about it seriously and give this bill passage.

It is not getting the state into something that is going to cost the state a lot of money. I am not trying to do that. I am trying to make wood available to low income people.

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

Mr. ROLDE: Mr. Speaker Ladies and Gentlemen of the House: I hope you will support this bill today. I agree that it is a very imaginative approach and probably the only piece of legislation that we will be passing that will really be dealing with the energy crisis.

I would like to answer some of the questions that have been raised, and direct your attention to the committee amendment which is the bill. We are talking about lands and it says right here, "Public lands in the custody of various agencies." I will go over that again, "In the custody" because there is quite a good deal of confusion about the public lots. There are many public lots where the state does not own the grass and timber rights. There are many public lots which are not located where we do not own the grass and timber rights. This bill will not apply to those public lots where we do not own the grass and timber rights but only those public lands in the custody of various agencies. Again it talks about public lands within the jurisdiction of the department. We passed L.D. 930 which made it very clear that all public lands are to be controlled by the Bureau of Public Lands within the Department of Conservation. It is the Department of Conservation which will be administering this program.

I think the gentleman from South Portland brought in the Department of Health and Welfare or other departments and in the bill again is very specific about what other departments would do. It says, "any governmental agency responsible for public health and welfare entering into an agreement with the Department of Conservation," they would have to enter into an agreement with the Department of Conservation.

Now, in terms of how the wood would be harvested there has been some question about forest practices. Of course we have not passed any comprehensive forest practice bill in this legislature or in any previous legislature. The bill does say, "such permits or contracts shall be for the harvesting of wood in locations at times, and in a manner consistent with the woodland management plans of such agency." So any agency that was allowing this to be done on its land would have complete control over how these trees would be cut.

I hope you will go along with this bill

today, it is a very novel approach, it is an imaginative approach, it is trying to do something and that is what I think the public is expecting from us, particularly in the area of energy where we haven't done anything. I hope you will pass this bill.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I should like to pose a question. In reading this bill, I notice there is no fiscal note. Somebody is going to be pretty busy administering this program and marking trees over several hundred thousand acres of public land in the state.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I want to pose that same question. I perhaps misunderstand this bill, but on page two, section 1803, responsibility, it says "Any governmental agency responsible for public health or welfare entering into an agreement with the Department of Conservation or any other state agency with the custody of woodlands shall be responsible for the cutting, delivery and distribution of such wood, unless an agreement in writing signed by the head of supplier or agency provides otherwise." Now, to me, it says that any agency that is responsible for public health and welfare shall cut the wood and deliver it. I have sold a little wood in my life time. I know it costs quite a few dollars to cut a cord of wood and deliver it. I just believe there should be a fiscal note and I also believe that when you take into consideration the supervision in this bill, it is a pretty tremendous price tag. You have to mark the trees, and in addition to that, you have to supervise to make sure that proper cutting practices are being employed. I think there is more of a cost to the bill than actually meets the eye.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Again I draw your attention to this phrase, "Entering into an agreement." If they enter into an agreement, then they shall be responsible. It would occur to me that if the department enters into an agreement and realizes that they will be responsible for the cost that would be part of the criteria for entering into the agreement.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I think there is one other issue here that we should consider, is that if you hire professional wood cutters, you will hire a skidder and a crew of men with power-saws. If you have seen where they have operated this way, there will be no sense in marking trees because they will cut out what is marked and tear down just as many with the skidder when they bring them out. All I can see is quite a lot of expense in this bill.

Mr. Peterson of Windham was granted permission to address the House a third time.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: Sometimes it is awfully easy to not have a problem with the concept and then find it very difficult to understand people's reservations about a concept to which you completely, just can't understand how anybody would have any problems. If you read the amendment

it says, "agencies entering into contracts with the Department of Conservation."

Let me give you the history of this bill. I think the bill up, I put it into L. D. form, it is printed, the Department of Conservation contacts me and says it has problems. So, I am willing to compromise, I listened to their problems. I met with them, I came up here early one morning and met with three people from the Department of Conservation, Dick Barringer, Dave Flanagan, Public Lands, the attorney up there and another member. They said they had this kind of a thing in the planning stages already, they hadn't quite fully germinated yet, but it was in the planning stages. They told me about it and they said we would rather do this than having all the citizens of the state go into the forests and get maimed and injured. I agreed. They said, "Look the Office of Economic Opportunity is interested in doing this kind of thing." This will allow us to enter into those kinds of agreements.

I am one that is not only concerned with the environment but I am concerned with energy, and the conservation of energy, and the wise utilization of our resources. Mr. Conners just talked about skidders, well, the amendment addresses itself that they will designate areas and designate trees, supervise the cutting, and that they are in keeping with the wise cutting practices as perceived by the Bureau of Public Lands headed by Dick Barringer. He is the trustee of the Public Lands for the State of Maine. They have been in on this bill since its inception. They wrote the committee amendment. I asked them if there had to be a fiscal note, they said no. They don't see any monstrous administrative cost. If I can't believe a public servant, who can I believe? These people have been negotiating to get these public lands back. They have acted in good faith, we have negotiated, we have talked about this bill, there was no big hangup on their part. They wrote a carefully worded bill which would not get them into the problems that everybody has raised today. If you don't believe me, we can table this thing and we can talk, we can have a memo from the Department of Conservation. I had a legal memo drawn up by them to show the need for this, because some public agencies, namely Parks and Recreation, don't have the legal authority to allow cutting of woods. This only allows the cutting of woods that in the minds of the Bureau of Public Lands should be cut or taken. The sub-federal agency can subsidize this program and deliver wood and make it available to low income people inexpensively. OK, I am not trying to cut into the business. There are a lot of people in my area who make a living from cutting wood and selling it to middle income people. They are getting \$65, \$75, \$85, \$90 a cord for hardwood. I don't want to unemploy those people and this is not the intent of that bill, this is not going to unemploy anybody, it provides wood for low income people, people who couldn't afford to buy wood in the first place, if they had to buy it from a woodcutter. Remember there is no cost for the wood, it is wood that is on public lands. You don't have to pay for it, you are only paying for the cutting and the delivery of the wood. It is not going to be any more expensive than cutting and delivering pulp, and what does a wood cutter get when he brings a load of pulp to one of these paper companies? He is not getting a whole heck of a lot for a cord of wood. If it can't be delivered cheaper than somebody can privately sell

it, I'll eat my hat. I hate to say it, but quoting the gentleman from Bridgewater, Mr. Finemore, this is a good bill. I just wish I had what went behind it.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I certainly support Mr. Peterson's bill, and I think we all should. This is the least we can do for these people and, at the hearing, it was thoroughly approved. What Mr. Peterson states in the amendment completely clarifies any objection to it. I certainly hope that we will go ahead and pass this bill and be on our way.

On motion of Mr. Curran of Bangor, tabled pending passage to be enacted and specially assigned for Friday, June 6.

Passed to Be Enacted

An Act Relating to Educational Benefits for Dependents of Veterans and Prisoners of War and those Missing in Action (S. P. 118) (L. D. 383) (S. "A" S-213)

An Act Requiring that the Judicial Council Report to the Legislature (S. P. 257) (L. D. 833) (S. "A" S-210 to C. "A" S-183)

An Act to Increase Protection under the Uninsured Motorist Law (S. P. 319) (L. D. 1096) (C. "A" S-193)

An Act to Remove the Commissioner of the Department of Conservation from the Maine Land Use Regulation Commission (S. P. 424) (L. D. 1390)

An Act to Prohibit the Arbitrary Imposition of Certain Fuel Charges by Electric Power Utilities (S. P. 469) (L. D. 1603) (S. "A" S-212)

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

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

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.

Enactors

Tabled and Assigned

An Act to Clarify Certain Provisions of the Maine Right to Know Law (H. P. 848) (L. D. 1035) (S. "A" S-201) (C. "A" H-285)

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

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

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

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

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

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

An Act Concerning the Coverage of Newborn Children under Certain Health

Insurance Policies and Under Certain Hospital and Medical Service Organizations (H. P. 1096) (L. D. 1378) (H "A" H-538)

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

An Act Relating to the Rebate of Unearned Finance Charges under the Maine Consumer Credit Code (H. P. 1350) (L. D. 1654) (C "A" H-512)

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

An Act to Reinstate the Insurance Premium Finance Company Act and to Amend the Notice of Consumer Right to Cure (H. P. 1405) (L. D. 1783) (C "A" H-513)

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

An Act Establishing the Termination Date of the Viet Nam War for Purposes of Certain Veteran's Benefits under State Laws (H. P. 1596) (L. D. 1886) (C "A" H-493)

Finally Passed

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

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

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

Bill "An Act Relating to Retention of Certain Charges by the Register of Probate of Aroostook County" (H. P. 1056) (L. D. 1340) — In House, Passed to be Engrossed as amended by House Amendment "A" (H-508) and Committee Amendment "A" (H-312), May 28. — In Senate, Indefinitely Postponed in non-concurrence.

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

Pending — Further Consideration.

On motion of Mr. Carpenter of Houlton, 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" as amended by House Amendment "A" and on further motion of the same gentleman, the Amendment was indefinitely postponed.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: This is not my bill. It does deal with Aroostook County and it belongs to the Speaker, Representative Martin. I would just like to offer a brief commentary, perhaps I am out of order but I sincerely hope not.

This is a bill that would have put just a very little bit of accountability into the devil, county government. It would have allowed you to know how much your register of probate actually makes. Right now I don't believe there is anybody in this body that can tell me what their register of probate makes. You have a salary and then you have anywhere from \$600 to \$700 to \$2,500 in publication fees that they are receiving.

I came in and I amended it, as you were, the committee amendment covered all

counties so that the title is not completely accurate, it covered all counties. Then I amended it to take effect in July 1977 to protect these people who have just been elected and they were expecting to make a certain amount of money.

This particular bill ran into opposition, not in this body, where we haven't had one word of debate, I am the only one that has spoken on it. Most people I have spoken to thought it was a pretty good idea to get some accountability in the county government. It did run into opposition in the other body and for that I condemn them. I don't think that is right, I don't think there is any justification for it and I am just a little bit more than upset about it.

Mr. Speaker, I would now move that this bill be passed to be engrossed in non-concurrence.

On motion of Mr. Carpenter of Houlton, the Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

House Report — "Ought to Pass" in New Draft under New Title "An Act Relating to the Maine Transportation Board" (H. P. 1656) (L. D. 1911) — Committee on Transportation on Bill "An Act Granting the Maine Port Authority Certain Powers with Respect to Acquiring, Operating and Leasing Certain Railroad Equipment" (H. P. 1193) (L. D. 1489)

Tabled — June 2, by Mr. Fraser of Mexico.

Pending — Acceptance of the Committee Report.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I was wondering if we could get a ruling from the Chair whether this redraft or whatever you might call it is germane to the original bill?

The SPEAKER: The Chair will rule that the Redraft is not germane to the bill.

The Senate will be so notified, and a letter will be sent notifying them of the ruling.

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

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Business Legislation on Bill "An Act Relating to the Freedom of Individual Health Insurance Policyholders to Choose a Psychologist to Provide Mental Health Services" (H. P. 1024) (L. D. 1303)

Tabled — June 2, by Mrs. Clark of Freeport.

Pending — Acceptance of Either Report. Mr. DeVane of Ellsworth moved that the House accept the Majority "Ought Not to Pass" Report.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the majority report of the Committee on Business Legislation on three items before us under Tabled and Today Assigned, pages 7, and 8, items 3, 4, and 5.

I have a number of remarks to make and perhaps in the interest of efficiency and brevity and a preplanned adjourning hour. I will keep my remarks reasonably short.

I would call your attention to two pieces of literature which you have received on your desk this morning which were distributed under my name. These two pieces of literature do, in essence, synthesize the issue of the three pieces of legislation before you today, namely three L.D.'s dealing with freedom of choice. At the committee hearing on these pieces of legislation, an opponent to the measure, a man by the name of Doctor Jacobsohn, who spoke on behalf of the Maine Psychiatric Association, did not address the issue or the thrust of any of the three bills. His remarks, in essence, were essentially irrelevant at the time of the hearing. The Committee on Business Legislation nor the opponents or proponents of the measure were there to debate the licensure of psychologists in Maine. This Maine Legislature, in their wisdom, has, a number of years ago, as has 47 other Legislatures, seen fit to license psychologists as professionally qualified and independent providers of mental health services. The issue of whether psychologists are competent and independent providers of mental health services was settled right here over 20 years ago. Some psychiatrists, not all of them, would like to return to the old monopolistic and expensive practice of being the sole providers of mental health services and care in this state. The real issue at the public hearing and before us today was and should well be our subscribers, Maine citizens, covered by insurance contracts that cover mental health services entitled to reimbursement for such services when provided by a psychologist, operating within the scope of his or her licensure? Again, allow me to repeat, operating within the scope of his or her licensure. That part is clearly stated in the L.D. It is this section of the L.D. that makes Dr. Jacobsohn's testimony at that public hearing particularly irrelevant. Psychologists and you know as well as do I, do not practice medicine, they practice psychology as defined by our statutes. Insurance carriers cover services within the lawful scope of psychologists as defined by statutes. In other words, subscribers are entitled to be reimbursed when they obtain such services from psychologists. That really is essentially the issue.

Mr. Speaker, men and women of the House, I would ask that you listen carefully to the debate and vote against the pending motion on the floor.

The SPEAKER: The Chair requests the Sergeant-At-Arms to escort to the rostrum the gentleman from Dover-Foxcroft, Mr. Smith, for the purpose of presiding as Speaker pro tem.

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

Mrs. Kany of Waterville requested a roll call vote.

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

Mr. DeVANE: Mr. Speaker and Members of the House: I would have asked the same thing but I would have given everybody a chance first.

Speaking for the nine members of the Business Legislation Committee, who did not find the testimony at the hearing irrelevant, I believe that I can speak more briefly than our distinguished Chairperson who makes her own case.

I would direct your attention to items 3, 4, and 5 since the lady has brought the matter into question and you will find that they are companion measures. One is entitled "An Act Relating to the Freedom of Individual Health Insurance Policy Holders to Choose a Psychologist to Provide Mental Health". Well, an individual policy holder can choose whoever they want. The question here is this act should be entitled "An Act to Require Medical Insurers to Pay Psychologists" would be a more accurate title. The second title "An Act Relating to The Freedom of Group Health Insurance Policy Holders to choose a Psychologist to Provide Mental Health Services." I know of nobody in the nine who feel these three L. D.'s should not pass, who question anybody's right to choose a psychologist or a clergyman or a marriage counselor or a bartender or a neighbor or anybody else. The third title "An Act Relating to the Freedom of Subscribers to Hospital Medical Service or health Care Plans to Choose a Psychologist to Provide Mental Health Service" None of these titles address what, in fact, is contended by these bills. What is contended by these bills is the requirement that individual policies and group policies shall pay psychologists under medical coverage.

I would direct your attention to the Maine Statutes, Chapter 56, Section 3811, Paragraph 3, which says "Nothing in this chapter shall be construed as permitting the practice of medicine as defined in Section 3251 by psychological examiners or psychologists." I suggest to you that there are insurance policies available which will pay psychologists for rendering what is termed mental health services. I suggest to you that every policy in this state and every seller of medical insurance in this state should not be required by this legislature to pay non-medical personnel under medical policies.

I would urge you to accept the "Ought Not to Pass" report.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I feel I should rise to debate this issue. It has been pointed out by the gentleman from Ellsworth, Mr. DeVane, that a patient has, at the present time, the freedom to choose a psychologist. The only problem is that under most of our insurance policies if he chooses a psychologist, he will have to pay it himself. It has been pointed out here that perhaps we should not require that insurance companies pay psychologists. I would submit that the insurance companies would save money by paying psychologists since psychologists work for, as near as I know, approximately half of what a psychiatrist works for. These psychologists are perfectly capable of treating most medical illness, they treat them now. The state hires, I don't know how many of them, dozens of them probably, to work in our mental health institutions to treat these patients and it saves the state a lot of money. If the state had to hire psychiatrists to treat all these patients, our medical health appropriations would be astronomical.

I would suggest that this present situation simply provides the psychiatrists with a monopoly at the expense of both the insurance companies and the people of the State of Maine.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, I would pose a question through the Chair to the gentleman from Brewer, Mr. Cox, who said in his statement and I quote and I believe that the record would verify this: "these psychologists are perfectly capable of treating most medical illnesses." I find that if the gentleman knows of psychologists who are treating medical illnesses, that they are in violation of the state law and I would wonder who they are?

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

Mr. COX: Mr. Speaker, I would like to have the House Stenographer read the record and see if it says medical. I believe if I said medical, it was a slip of the tongue because I certainly meant mental.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you all to vote against the "Ought Not to Pass" Report motion that is pending on the floor.

I think there are many different categories of psychologists and the term that has been used this morning has just been psychologists, but what you should realize that we are talking about clinical psychologists and they are very highly trained and very well qualified because after getting a doctor's degree, they also have two years internship in a hospital or a licensed mental health facility, so there is just no question that they are perfectly capable of treating emotional and psychological disorders or disturbances.

I would also like to point out to you, and you probably haven't had a chance to read this, the National Life Insurance Companies to pay the policy holders when they see a licensed clinical psychologist. For example, the John Hancock Mutual Life Insurance, the Liberty Mutual, Metropolitan Life Insurance Company, Occidental Life Insurance Company, Prudential, and there are many others. In twenty-two other states, the state allows the policyholder their choice to choose the clinical psychologist to treat their mental disturbance, if that is what they choose, without having to be referred by an M. D.

All federal insurance makes the same policy and this does not require any insurance company that does not cover mental health therapists, it does not require them to do so, but if they already do, this allows them to acquire the services of a clinical psychologist if that is what they desire. They are perfectly competent and capable of doing this. We have many more clinical psychologists in the State of Maine than we have psychiatrists because a psychiatrist has to have an M. D. besides. If the mental disturbance or disorder does not arrive from any organic or physical cause, the clinical psychologist is perfectly capable and able to help that person.

I hope you will vote against the "Ought Not to Pass" Report.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would preface my remarks by saying I feel the service is needed and the psychologists do perform a valuable service to the people of the state. However, as a member of the nine that voted "Ought Not to Pass" on this, I feel

that I should give you a couple of my reasons why I did sign the report that way.

First of all, we are talking about medical benefits. Do psychologists provide medical benefits to the people of the state? They are not M. D.'s, they cannot prescribe drugs and I think that when we are talking about increasing rates, as we are perhaps if this bill passes, there are many people out there in this state that cannot even afford a basic medical package, not even a basic one, and we want to add on what I would term fringe benefits, which can be purchased now if someone so desires.

Another reason that I am against this particular bill is that there are no parameters in this. Who is to say, if an individual is suffering from depression, who is to say when that individual is cured? There is no way, it is not like a broken arm or a broken leg, or even a heart attack, there is no way of saying that that particular individual is cured. I submit to you that under psychologists this could go on forever and it might pose a few problems.

The other reason that I am opposed to this bill is that I can see some abuses, not only in the reason that I just gave but also in the fact that an individual might be some sort of a status to say that he had just been a psychologist or something and he has some sort of problems and conspicuous consumption or whatever you might want to call it. I just think that the bill would cause an awful lot of problems and I think the psychologists, even though they do perform a very valuable service to the people of this state and I would never deny that, I think we are talking about dollars and cents, that a lot of people in this state cannot afford basic services now and I think to add an increased cost to that would be a detriment to the people and I would hope that you would support the "Ought Not to Pass" Report.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to the lady from Portland, Mrs. Najarian. I will pose the question and perhaps the Chair or someone could answer it. The lady from Portland said "that many different categories of psychologists exist." Maine state law establishes two, and I read you Chapter 56, Section 3811, "two levels of psychological practice are defined for purpose of this chapter. Such levels shall be known and referred to as psychological examiner and psychologists." The State of Maine recognizes two levels of the practice of psychology and I would be interested to know what the many different categories of psychologists might be?

The SPEAKER pro tem: The gentleman from Ellsworth, Mr. DeVane, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mrs. KANY: Mr. Speaker, I would be glad to answer that question. There are research psychologists, a large number and I think probably the Representative from Portland just wanted to indicate that we would not be allowing any of these types of psychologists to perform such services. I would like to continue if that is all right.

Personally, I think these are good bills. They are people bills. They will help a lot of people get the service they need. The state has had a policy in recent years to

deinstitutionalize mental health patients as much as possible. We have sent people back into the communities who have been in institutions for years and years, sometimes as long as 20 years, and naturally they need help coping and adjusting to their new life.

We have a local community health center where we are and this particular Kennebec Valley Mental Health Center services all of northern Kennebec County and all of Somerset County as well, and within the last three years, since the state has had this new policy, our local clinic has picked up 1400 patients who have been in institutions and they have a day care, day center type program in which there is vocational rehabilitation, psychological services, etc. These people need a continual type of help, but it is still a lot cheaper to provide it in this manner than it is to have them in institutions.

In addition to the 1400 people which require this kind of service, local community health centers do get people walking in, they get people referred to them by physicians, by the courts, by the police, etc., so they are really trying to cover a lot of services for people and, of course, most of the people who provide the services at the clinics are psychologists.

Federal seed money helped us establish a number of these community mental health centers and that seed money establishes a clinic and then the federal dollars decline annually so that zero federal dollars are available after eight years. It just seems to me that there is no reason under the sun why the private, profit and non-profit insurers cannot pay for some of these absolutely essential services provided by licensed clinical psychologists in the State of Maine. These people need help to once again become productive citizens of the state, so I urge you to please help the community health service centers come up with wherewithal to provide this essential help. We are talking about dollars and cents and in the long run, these bills will help reduce the monies the state would otherwise have to provide for these patients.

I urge you to vote against the pending "Ought Not to Pass" motion.

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: L. D. 1302, 1303, and 1304 are being supported by the Commissioner of the Department of Mental Health and Corrections, the Director of the Bureau of Mental Health, all eight community health centers of Maine, all mental health institutes in the state, the Maine Psychological Associations, large numbers of physicians, social workers, attorneys, hospital administrators, and clergy and last but certainly not least, by a number of consumers and private citizens.

Mr. John Rosser, Commissioner of the Mental Health and Corrections Department, spoke on behalf, or communicated with the Business Legislation Committee on behalf of these three bills. "Insurance subscribers are

entitled to be reimbursed for mental health services provided by licensed psychologists when such services are covered by their contracts and not only puts choice in the hands of the consumer where such choice belongs but makes available much needed mental health services by a profession eminently qualified by education, training and experience to provide high quality services in this area. All federal insurance bills cover the independent provision of psychological services. Many states have already passed such freedom of choice legislation and numerous private insurance carriers do provide such coverage as has been alluded to by the Assistant Majority Floor Leader. Over 80,000,000 citizens of the United States are now covered by insurance contracts that provide reimbursement for the independent provision of mental health services by licensed psychologists."

Interestingly enough, as we here in Maine debate these three bills, on the national scene the Burlington-McIntyre Bill was introduced, this is part of the national health institute or the National Health Care Act of 1975. Of interest included in this bill for psychiatric care, unlimited hospital in and out patient service, payments for the first 20 outpatient mental health visits and the term 'physician' means for the purposes of mental conditions, a psychologist.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't usually get involved in this type of debate but to me, freedom of choice means everything. I feel that the individual should be free of his own choosing. This is a very sweet word to me, freedom, and everybody should be free to do what they please.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you could support the Minority Report this morning. I think you are talking about the very future of your community mental health centers here. These community mental health centers, and I would say that I am on the board of the one in Bangor, are in a serious funding problem across the state. They are having serious problems. We are working all the time here in the legislature trying to come up with funds.

As this federal money declines, and it does exactly that, we are going to have to pick it up on the state level along with what help that you can get out of private industry or you are going to have to close these places down. That is going to mean that all of these good people that you have put out of the mental health institutes that you are putting back into the communities that require treatment are going to be left high and dry. The whole problem, in my opinion, the whole solution or an attempt to the solution to the problem mental illness is going to start to break down. So I think it is very, very important this morning, very important, to everyone here and to all of our constituents to support the minority report on all three of these bills.

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

Mr. PIERCE: Mr. Speaker, may I ask the Clerk to read the Majority "Ought Not

to Pass" Report and the Minority "Ought to Pass" Report?

Thereupon, the Reports were read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, I would like to pair my vote with the gentlewoman from Vassalboro, Mrs. Mitchell. If she were here, she would be voting no and if I were voting, I would be voting yes.

The SPEAKER: The gentleman from Gardiner, Mr. Bowie, pairs his vote with Mrs. Mitchell from Vassalboro. Mrs. Mitchell would be voting no and Mr. Bowie would be voting yes.

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

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: A lot of these medical insurance companies don't even pay for a psychiatrist at this time. What we are talking about is the choice when they do pay psychiatrists and many times that comes if there has been an accident and there has been a traumatic effect afterwards and they want both medical and psychological help.

I would urge that you vote the Majority "Ought Not to Pass" Report and wait until we do decide whether or not these insurance companies could even pay for psychiatrists and psychologists on a mandatory basis. As it is now, the Blue Cross-Blue Shield doesn't pay any of these services.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I think this bill is particularly important to the rural areas of the state because people living in rural areas may, in fact, hold insurance which does provide for psychological benefits and because there are no psychiatrists in the area are never able to receive the benefits of what they are actually paying for.

I think, secondly, it is also important to mention that we are not talking about medical insurance, we are talking about health insurance. Health insurance not only provides for medical care, such as doctors, but they also, at times, provide payment for nurses, they provide payments for special duty nurses, they sometimes pay for home health, they at times make payments to pharmacists, so we are not specifically talking about medical, i.e. Doctor insurance, we are talking about health insurance, which certainly does include psychological counseling.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, just to respond to the gentleman from Lewiston, Mr. Cote, I, too, am very favorable to the word freedom and free choice. However, I would say to you that you are not going to have a free choice when you get your health insurance premium bill and it goes up on you and the poor guy out there earning a \$100 a week, when that health insurance premium goes up, he is going to have to drop some benefits along the way and he probably doesn't have enough as it is now. He probably doesn't have anywhere near a minimum amount of coverage and you start throwing psychologists and psychiatrists and everybody else, then I think the guy is just going to be put right

out, he is not even going to have basic medical coverage. I hope you will support the motion to accept the Majority "Ought Not to Pass" Report.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would submit to this House morning that certainly mental illness is just as incapacitating as physical illness and we could argue for days about people that shouldn't be treated or that their insurers shouldn't pay for their treatment if they have mental problems and I will submit that that is wrong, that a person can be just as incapacitated and unable to work or to function, probably even more so when they are mentally ill as when they are physically ill.

We are having this very problem in the area of Dover-Foxcroft and in the area of East Millinocket with psychiatric day treatment programs out of this very Bangor counseling center there. The problem is that the high criteria that is required now by law that you can't be paid under any type of insurance, even the federal insurance. This gives us a tremendous problem. If you will notice, in your appropriations document there is \$50,000 set aside particularly to cover this problem. It is almost dedicated, if that is possible, in the general fund document.

I would advise you to think very carefully this morning on the road that you take as to what you are going to do for the people in the state that have mental problems.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, I would like to say in response to the statement from the gentleman from Scarborough, Mr. Higgins, that insurance costs do not go up when you include licensed clinical psychologists in health care coverage. In fact, the data throughout the country indicates that costs go down and I will emphasize again that these bills, this one and the following two, do not require insurance carriers to expand or increase coverage for mental health services, it only says that if it already does include mental health coverage in an insurance policy, that licensed clinical psychologists in addition to licensed physicians are able to provide these services and these are the only two professions licensed by the State of Maine to provide these services. I ask you to vote no on the pending motion.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with some interest on the debate that is going on here this morning, but I would like to inform you that these are the same procedures that we went through in the years gone by on the chiropractor's bill. The various attempts that were made to defeat those bills was the limit to what they could do and there were enough people here in the House to go ahead and recognize that the chiropractors is one form of science that is being made available to the people in a very well mannered degree. I also recognize this one here is another science that should be made available to the people. Certainly, there is going to be development here in this procedure, there are bugs that are

going to have to be ironed out, but I believe that we ought to pass this bill today.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Mills reference to psychology as a science, I, for one, find that in serious question and I also question seriously whether psychiatry is in its entirety a science and I would recommend to any of you a book entitled The Death of Psychiatry by E. Fuller Torrey, where he addresses what is the medical model of mental illness, but that is collateral, but many collateral questions have been raised.

I would point out to the gentleman from Brewer that he will find this Representative voting for mental health funds. I was proud yesterday to be numbered among a very small number who voted for an additional center for the severely retarded and handicapped. I think the question is this, sir, the psychologists in this state who are practicing in what may be termed public facilities are by and large being paid now by our tax dollars, federal and state. I think the question here is in addition to that, it is something quite different. I wonder if anybody here could approximate how many psychologists practicing in what may be termed public facilities are by and large being paid now by our tax dollars, federal and state. I think the question here is in addition to that, it is something quite different. I wonder if anybody here could approximate how many psychologists practicing in what might be termed public facilities are receiving what percentage of their income and from where, from public or private funds?

I would ask the gentleman from Brewer, when he said, "as these federal funds decline, we are going to have to pick it up at the state level," whether that is a general philosophical approach and that we will hear that on other things or whether that relates simply to this one issue?

The SPEAKER pro tem: The gentleman from Ellsworth, Mr. DeVane, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. NORRIS: Mr. Speaker, I would state that it is not a philosophical approach, it is fact, and I would be happy to present the gentleman later, rather than take the time now, with a complete formula on how the community mental health centers are structured. And to answer the question that he raised about psychiatry and psychology, whether he considers them sciences or not, unfortunately, if you have mental disorders in our society today, that is the only way you can go, baby, you either take it or leave it.

The SPEAKER pro tem: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Ellsworth, Mr. DeVane, that the House accept the Majority "Ought Not to Pass" Report.

Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Byers, Carter, Connors, DeVane, Doak, Dow, Farnham, Fenslon, Garsoe, Gould, Hewes, Higgins, Hunter, Hutchings, Immonen, Leonard, Lunt, Lynch, MacEachern, Mackel, MacLeod, Maxwell, McMahon, Morton, Perkins, T.;

Peterson, P.; Pierce, Rideout, Rollins, Shute, Snow, Stubbs, Susi, Teague, Tozier, Webber.

NAY — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Burns, Bustin, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Drigotas, Durgin, Dyer, Farley, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hinds, Hobbs, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverly, LeBlanc, Lewin, Lewis, Lizotte, Lovell, Mahany, Martin, R.; McBreaarty, McKernan, Mills, Miskavage, Mulhern, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Peterson, T.; Post, Powell, Quinn, Raymond, Rolde, Saunders, Silverman, Snowe, Spencer, Strout, Talbot, Tarr, Theriault, Tierney, Torrey, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong.

ABSENT — Boudreau, Bowie, Carey, Dudley, Faucher, Gauthier, Gray, Kauffman, Littlefield, Martin, A.; Mitchell, Morin, Peakes, Smith, Sprowl, Winship.

Yes, 37; No, 96; Absent, 14; Paired, 2.

The SPEAKER: Thirty-seven having voted in the affirmative and ninety-six in the negative, with fourteen being absent and two paired, the motion does not prevail.

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

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

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Business Legislation on Bill "An Act Relating to the Freedom of Group Health Insurance Policyholders to Choose a Psychologist to Provide Mental Health Services" (H. P. 1025) (L. D. 1304)

Tabled — June 2, by Mrs. Clark of Freeport.

Pending — Acceptance of either Report.

On motion of Mrs. Clark of Freeport, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Business Legislation on Bill "An Act Relating to the Freedom of Subscribers of Hospital, Medical Service or Health Care Plans to Choose a Psychologist to Provide Mental Health Services" (H. P. 1023) (L. D. 1302)

Tabled — June 2, by Mrs. Clark of Freeport.

Pending Acceptance of Either Report.

On motion of Mrs. Clark of Freeport, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

House Divided Report — Report A (7) "Ought to Pass" as amended by Committee Amendment "A" (H-583) — Report B (2) "Ought to Pass" as amended by Committee Amendment "B" (H-584) —

Report "C" (2) "Ought to Pass" as amended by Committee Amendment "C" (H-585) — Report "D" (1) "Ought Not to Pass" — Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor" (H. P. 16) (L. D. 24)

Tabled — June 2, by Mr. Rolde of York.
Pending — Motion of Mr. Cooney of Sabattus to Accept Report A. (Roll Call Ordered)

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I should like to refresh the memory of the members of the House. Report "A" would be a committee composed of ten members of the House, five members of the other body, which would be a legislative confirmation committee to confirm the appointments made by the governor. This would take the place of the executive council, once it was abolished.

Report "B" would be five members from this body and five members from the other body.

Report "C" would be the 33 members from the other body as a legislative confirmation committee.

Report "D" is the "Ought not to Pass" Report.

I would also remind the members of this House that we had a division, 63 members voted not to accept report "A", 40 voted yes. I submit that we should vote against "A". All we are doing is playing politics. Report "B" is the only responsible report, it is the one report that has any chance of enactment. Otherwise, if you vote for Report A, in effect, all you are voting for is to keep the status quo, the executive council. We can play politics all we want to but I submit that we should represent the vast majority of the people and that is our constituents who are for abolishing the executive council which has a negative image in the minds of the people in the State of Maine which is comparable to the negative image that the Nixon administration had in its last days. If we wish to abolish this council and represent the people of Maine you will vote against "A" and then accept "B".

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I have a couple short remarks. First of all we are not playing politics with Report "A", and it is not irresponsible as the gentleman from Hallowell has indicated to you. If we were, being absolutely proportional and responsible and we were trying to see that the two bodies were proportionally balanced against one another in terms of making a committee to perform confirmation duties, the balance would be far greater than ten to five. I think those of us here in the House might have considerable sympathy in that direction. However, the effort of the majority of the committee, bi-partisan majority of the committee, was to create a workable confirmation committee of a size that would be small enough to work efficiently but still large enough so that we would have a range of opinions from both branches and from both parties. We feel that ten members from the House, and five members from the Senate is a step in that direction.

Somewhere down the road, Mr. Stubbs may be right, there may come a point of non-concurrence where some other alternative may be accepted and this House may back down and say, all right, we will go along with having just five from the House paired with five from the Senate to perform confirmation duties. That is a debate that I don't think we have to make today. Ten and five is a good, sound, workable, right, solution. The executive council is a dinosaur that has been lumbering around this State House for a century and a half. For decades members of both parties have sought solutions for that problem. We have an opportunity this morning to act on a majority report that has a very real possibility of passing and more important it is an alternative that will work in performing confirmation duties. I urge your support of Report "A".

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Very often during this session, my neighbor and my very very good friend, the gentleman from Hallowell, the Honorable Mayor, Mr. Stubbs and I, have agreed on many items. However, I suspect that now he is being led into that psychological syndrome that we hear a lot of in other places in this building, that if you disagree with him, you are playing politics or may be even a professional politician or you may even be politically ambitious, heaven forbid. Don't be misled by that argument.

Let's take another page from that same scenario, the same combination of things that is talked about frequently, which of these programs is fair, which of these programs is the best for the people? Obviously, it seems to me, it is Report "A". We have ten House members and five Senate members, there is more of them than there is of us.

This executive council is sitting now, in my opinion, and I may be prejudiced, is one of the best ones we have ever had. They are the first group to institute public hearings on appointments. They have not been caught up in the partisan politics that we have seen in the past. However, I still agree, that the executive council is an albatross. It should be removed, we should adopt Report "A" and trust that the people at the other end will do the fair thing.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: This legislative session will be like all other sessions, a full-fledged attack on the Governor's Executive Council, will once again, be undertaken. Politicians will assail, plead, and implore that the council go, they can be scrapped, overturned and thrown out. Surely too few will take the time nor devote much thought beyond bombast and rhetoric. Arguments will be made that the council is a relic of our colonial past but so is our Declaration of Independence. There will be charging that politics enter into the council deliberations, this arguments of course, overlooks the political nature of the legislature. It will be claimed that the council is not representative of anything, a strange oversight because it is chosen by the very members who accuse it. In a time when there are a good many people questioning how well our government works, how efficiently it does its job and at what cost, it is indeed strange the council is under fire. There are few instruments in state government that work as well and at

such little cost to taxpayers as the executive council. If there is a forward looking change that could be made it should come in the way of the council was chosen. There would be little inconvenience or cost to have the council chosen by the voters in the elective process. Beyond this possible alteration there is good reason to continue with the council pretty much as it is. The council, despite its detractors has served Maine well since statehood in 1820. It provides a reasonable, efficient and low cost check on the governor's powers of appointment and a useful surrogate for the legislature when it is not in session.

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

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: The Executive Council is at best an administrative body whose numerous but insignificant functions could easily be transposed elsewhere. In the early maturation years of State Government the council was primarily designed as a dual executive to act as a watchdog for the legislature, since the legislature met biennially, and certainly not for as long a period of time as we do today, and to assist the Governor in completing his tasks in a time when he did not have the full-time personnel that our Governors now enjoy. The council was also created as an attempt to avoid an administratively oriented government, to which our founding fathers were adverse. These reasons are no longer realistic considering the existence of countless departments, quasi-independent agencies, numerous miscellaneous and part-time boards, commissions, and regulatory agencies. To the same extent, the Governor's duties and responsibilities have undergone a tremendous expansion, so much so, that a part-time council is certainly ill suited to render a worthwhile assistance to the Governor or even to perform its intended role as a check on the power of the Chief Executive. The council, as it was originally conceived, can not keep up with the ever increasing demands of state government.

As one political scientist wrote, as far back as 1915, "the entire history of the council from its inception to the present time has dramatized its negative role. It is not constructive and it is not concerned with progress or programs. As a consequence, the Governor does not rely on the council for information, it is not in a real sense a body of advisers to whom the Governor looks for guidance and assistance on formulating administrative policy. He must turn to the heads of departments for such information. The council destroys the unity of the executive, the concentration of responsibility, and thus militates against efficiency. It exists in defiance of the theory of executive responsibility." The State Government Committee, almost unanimously agreed, that the executive council should be abolished, that we did not want to maintain the status quo. Our seemingly endless deliberations focused on which avenue to pursue as a viable replacement that would be acceptable to the members of both Houses and to the people of Maine as well as being consistent with Maine's form of government. That we did not develop a unanimous consensus on one mechanism in no way indicates weaknesses in our recommendations. To the contrary, it was the feeling of the committee, that if each of us felt strongly about particular options, then we should allow the legislature to examine them as closely as we did.

On the other hand, we did not come up with a radical alternative, because they simply and realistically do not exist. That's to be expected, because we were working within the delicate confines of our Constitution. Serious consideration had to be devoted to amending the Constitution without disruption of the separation of powers. This is what we accomplished.

I signed Committee Report A, because in my estimation, it is the most workable and most effective mechanism by which to transfer the confirmation powers vested in the executive council. The Legislative Confirmation Committee, as proposed by this report, is a good compromise. It is a bipartisan committee composed of members of both bodies. Establishing a committee made up of legislators would be more in keeping with a representative form of government. Undoubtedly, they would be more closely exposed to the public eye, and more available to the people. The suggestion, that perhaps, the council should be popularly elected is merely an attempt to perpetuate the existence of an historical anachronism. My basic objection is vesting the power of confirmation to the Senate is that it would be expensive and difficult to assemble a thirty-three member body every time an appointment needed to be confirmed. On the other hand, if the Senate were to perform these duties concurrently with their regular legislative duties, the result would be hasty consideration on the various appointments. In summary, there is little justification for retaining the executive council, conceived in 1819, for reasons no longer apparent today. Again, I strongly recommend acceptance of Committee Report "A".

In summary, there is little justification for retaining the executive council, conceived in 1819, for reasons no longer apparent today. Again, I strongly recommend acceptance of Committee Report "A".

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am opposed to the change that is recommended. I think Maine government has worked as well as any others in the United States over the years. I would bend a little. I, at times, feel that there are certain ways and certain considerations that I might abolish the Governor's Council but not by this method. I don't like the methods proposed and I don't have anything against the present council and I don't have anything against the councils that have been here since I have been here. I will say I don't think this is one of the better ones that I have met but that is neither here nor there, the position is that I am talking about right this minute. I can see where probably more than some of you can where the errors have been, on the part of the House at least. In my long tenure here each year we have delegated more authority to the council. The Council, as it was originally in the Constitution, wasn't a bad idea. The powers given and invested to them by the Constitution of Maine, I subscribe to. In those days, they were needed and I think they are still needed today. What I am really opposed to is this House, year after year, delegating more authority to them. So, a few years ago, I can't remember which legislature, but I remember the legislator, his name was Libhart from Brewer, he belonged to the opposite party and we worked hard and we presented a bill to abolish the duties of

the council, those given to them by legislation and they were many. It was the biggest bill at that time that had ever been presented to this House. It weighed about a pound for each document. If you didn't subscribe to the whole of it, if you subscribed to part of it, we would have a lot better council. So, the council for a lot of things that they are being blamed for are really not to blame. They are blamed from this body, not your doings, but future bodies here or in the past by delegating authority to the council. So, at this time, I will not vote to abolish the council and I don't think the people of Maine would if they knew the facts. The fact of the matter is we should first abolish a lot of the duties that we have given to this council. I can't see what this report does, it just puts another group of people in there to harass the Governor. If we want to make the governor stronger we would have a governor and his cabinet to make these decisions, but apparently this House doesn't want to make the Governor stronger, they seem to want to make him weaker. At any rate, what they are coming up with in this bill, in my opinion, would be worse, not better. I would rather keep with something that I know works than try something that I know won't work. If this House really wants to do something to improve the council, the first thing they would do is look over the statutes and see how many places that we have delegated authority to them. Nearly every year we have delegated in many areas. We are going home in a hurry and this is the last minute, it is probably Sunday morning at 10:00 o'clock and we have worked all night and want to get out of here, well we delegate the council to do it and that is how a lot of these things got in the books and now that we are not in a hurry we may decide to do them ourselves. I recommend that we do, but I will not vote and I hope you don't to accept this hasty piece of legislation that would accomplish nothing in my opinion.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Machias, Mrs. Kelley.

Mrs. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: To avoid confusion, with all the reports here that we have to decide on, and being in favor of keeping the Governor's Council, I move that this bill and all accompanying papers be indefinitely postponed and I ask for a roll call.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I rise as a signer of Report "A" of State Government Committee. Generally speaking, I consider myself a friend of historic preservation. I am actively associated with a group in central Maine to preserve and operate a 19th Century historical farm. I think I have to draw the line at historical preservation when it comes to institutionalizing a carry-over from our colonial period. I wholeheartedly concur with the remarks of the gentlewoman from Auburn, Mrs. Snowe, of a historical nature dealing with the council.

The Governor and council is an old concept that goes back even beyond our colonial period to the parliamentary system in Britain with the King and council and it is just a transferral of that concept to the American colonies. We are dealing with two different councils, that council evolved into the Senate which was

to represent a property to the elite and eventually the special qualifications of property for the members of the Senate have been removed and we now have the same qualifications. At the end of the American Revolution most of the New England States, at least, were very suspicious of an executive, understandably after their recent experience with the king. They voted, in most of the New England Colonies in the New England States after the American Revolution and their state constitutions had a second type of council, a council which indeed was viewed as a check on the executive. The State of Pennsylvania didn't even have a chief executive until 1790, they were so suspicious of the king or the governor. In New England, we had a council in most all of the New England States but these were early removed. When the State of Maine was formed in 1820, a generation later, that suspicion of the executive, of the governor remained and the constitution of 1819 had an executive council, as a check on the governor, even though we had annual sessions until 1880. It wasn't until 1880 we went to a biennial session.

I agree that in that intervening period the Governor's council came to be an instrument of patronage which persisted really into the second world war and after. I think that we have a better council now than we had in that period but I think that the present councilors are in a position to judge this, they unanimously oppose the council as a carryover, no longer necessary. I think further that of the alternatives it offered, Committee Report "A" is the best because it abolishes the council, transforms some of its administrative duties to appropriate agencies of State Government, the confirming power is limited to major appointments and is given to elected representatives of the people, a mixed committee from the House and the Senate. One of the chief objections to the council, I think, is that it represents another layer of government that is not elected by the people. This committee that would act upon appointments being composed of both House and Senate members is representative of all the people and not just representative of the historically property Senate but represents a mixture of the two bodies, which I think is appropriate. I think it is a compromise for the House to accept a two to one ratio when the ratio between the membership of the bodies is about five to one. I think this is a reasonable compromise and I hope that we could all unite behind Report "A".

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As you well know, I am one individual that believes in the executive council and I might add that I supported the present member of the council from my district knowing full well that he is for abolition of the council. My reason for supporting that gentleman was he is not only a fine individual but he is a highly intelligent one and I respect his opinions on a lot of issues and this particular issue I don't.

Nevertheless I look at this council as a court who represents us when we are not in session, purely because I say us, we are the individuals that elected them. I support Mrs. Kelly's motion this morning although I would have liked to have seen us go step by step and just see what directly

the attitude of the House is. I am sure that we probably will be defeated because of the fact of the variety of reports. Nevertheless, I think the House should indicate to see by the variety of reports what a decision there was in the committee. I suspect that there is another bill upstairs somewhere where it would elect these individuals and I am not so much against that idea letting the general public but to abolish the council now or any other time as far as I am concerned is not a popular idea.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Two weeks ago, I had a chance to give a bride away at a wedding, nothing doing, I won't give anything away I want myself. I am in favor of keeping the Governor's Council and so I urge you to vote for the gentlelady's motion from Machias to indefinitely postpone this bill and all its accompanying papers and the sponsor.

The SPEAKER pro tem: 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.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair thanks the gentleman from Dover-Fox Croft, Mr. Smith.

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

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise merely to urge you not to vote for indefinite postponement. We have three or four alternatives before us, one of them should survive, and we should go on and eliminate the council as we have known it in the past.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, urge you very definitely not to vote for the motion to indefinitely postpone. I hope you will keep this bill alive and accept Report A which I also support. I would just make one final point in urging you not to vote for indefinite postponement.

The gentleman from Orono, Mr. Wagner, in giving you the history of the council, said that the king had evolved into the Senate. I would just make the comment that if someone back then had voted to abolish the council, we wouldn't possibly have to cope with that other unmentionable body down the hall today.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I am not for Reports A, B, C, or D or subsequently if they appeared, Reports E, F, G, H, I, J, and K. I am definitely for retention of the Governor's Council and I plan to vote for indefinite postponement.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I have a particular interest in urging you not to

vote for this indefinite postponement particularly since Mr. Gould has done me the courtesy of including me to be postponed. I would, therefore, be grateful if you would vote against this motion.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Machias, Mrs. Kelley, that the House indefinitely postpone Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassigned its Constitutional Powers to the Governor. House Paper 16, L.D. 24, and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bowie, Call, Conners, Cote, Curtis, DeVane, Dudley, Fenlason, Finemore, Gould, Gray, Hewes, Hunter, Kelleher, Kelley, Lewis, Lizotte, Lovell, Lunt, Mackel, McBreairty, Mills, Perkins, T.; Peterson, P.; Rollins, Silverman, Talbot, Torrey, Walker, Webber.

NAY — Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Dam, Davies, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kennedy, Laffin, LaPointe, Lavery, Leonard, Lewin, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell, McKernan, McMahon, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Smith, Snow, Snowe, Spencer, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Wilfong, The Speaker.

ABSENT — Carey, Carpenter, Doak, Faucher, Kauffman, LeBlanc, Littlefield, Martin, A.; Morin, Peakes, Sprowl, Winship.

Yes, 31; No, 107; Absent, 12.

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

Mr. Stubbs of Hallowell was granted permission to speak a third time.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: Almost without exception, except for one or two of the thirteen members of the State Government Committee, they all agree that if anything is going to be enacted, it will be "B". I would remind the members that the Governor is charged with filling some 635 different positions, which must be confirmed by the Legislative Confirmation Committee, if we so adopt one. It is obvious that more than two thirds of the people in this body wish to abolish the executive council. Therefore, I am asking you to take the responsible position, not vote for "A", but wait, and then vote for "B", so that we are not polarized into two extreme positions. I say that political reality is such that if we wish to abolish the council, the only report is Report "B".

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

Mr. QUINN: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to point out that in Report "A" the committees are elected by the membership of both bodies. There is some minor confusion, these committees that will exist in confirmation do not consist of leadership nor are they appointed by leadership, they are elected by the members at large. Secondly, we envision that many of the present functions of the council will be divided in other portions of government. For example, Mr. Stubbs just referred to 635 positions that require a confirmation. If this constitutional amendment is approved by the voters, then this legislature in an omnibus bill will decide which of these positions are to require confirmation and the vast majority of those 635 will receive routine government approval. This same thing will happen to the pardons board, and to the exercise of money. So, this committee, elected from this body, and elected from the Senate will only be working on a relatively few number of important confirmations.

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

Mr. JALBERT: Mr. Speaker, I would like to pose a question to anyone who may care to answer. What is the situation on a measure concerning itself with bond issues?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I assume if there is anything in the Constitution relating to bond issues, which I think there are, as it relates to the Maine Guarantee Authority, that should be an initiated petition, which would require by the same method 50 percent approval of the legislature and then two-thirds of the people in a referendum.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am sorry to take the time of the legislature, but I want to support this thing. I believe in the sincerity of the sponsor and the sincerity of those people who are supporting it. By the same token, I want to make very certain that we are not wrong here.

I asked a question on bond issues, because I am going to make a very flagrant boast here. I am a student of the Constitution. I am a student of the rules of this House, the rules of the Senate and the Joint Rules. I have a tremendous amount of respect for the people. I want, however, to make very certain, before I push my button, that I am assured that if we go through such a procedure, and if we pass by a majority vote and then we go on a bond issue, say, and then it is voted, even by two-thirds, I want to make certain that we are not going to be hung up after we spend thousands and thousands of dollars on the planning board, I want to make sure we are not hung up by bonding houses.

I also have a fantastic amount of respect for John Benoit. I think this man who has practiced before the United States Supreme Court, his ability knows no bounds, and I ask the majority leader if he would not table this thing for one day. I want to make sure that I am voting — and I wish the lady would sit in her seat, I don't get up very often, I will be down in my seat again in two seconds, so please hear me

out. Listen to me first and then you can get up when I sit down. I want to make certain on this very, very important matter just how I am voting. If ever, in my opinion, a matter should be given to the courts, this is it.

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

Mrs. NAJARIAN: Mr. Speaker, and Members of the House: I was just going to get to my feet to say that perhaps I misunderstood his question in the first place.

As far as the bond issues that we send out to people now, if that is what he is talking about, the method does not change. I thought he meant the provisions in our Constitution applying to those authorities which do mention bonds. I assume that the bond issues are the same, and I would have no objection if somebody would table this for two days.

Thereupon, on motion of Mr. Rolde of York, tabled pending final passage and specially assigned for Monday, June 9.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that the House accept Report "A", "Ought to pass" on Resolution Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor, House Paper 16, L. D. 24. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Dam, Davies, Doak, Dow, Drigotas, Farley, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, Leonard, Lizotte, Lunt, Lynch, MacEachern, Mahany, Martin, R.; Maxwell, McBreairty, Mitchell, Mulkern, Nadeau, Najarian, Pelosi, Perkins, S.; Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Strout, Susi, Talbot, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Webber, Wilfong, The Speaker.

NAY — Albert, Ault, Bagley, Berry, G. W.; Birt, Bowie, Byers, Call, Connors, Cote, Curtis, DeVane, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Garsoe, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Kelley, Laverty, Lewin, Lewis, Littlefield, Lovell, Mackel, MacLeod, McKernan, McMahan, Mills, Miskavage, Morton, Norris, Palmer, Perkins, T.; Peterson, P.; Pierce, Raymond, Rollins, Shute, Stubbs, Tarr, Teague, Torrey, Walker.

ABSENT — Carey, Carpenter, Faucher, Gauthier, Kauffman, LeBlanc, Martin, A.; Morin, Peakes, Sprowl, Winship.

Yes, 86; No, 53; Absent, 11.

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

Thereupon, the Bill read once. Committee Amendment "A" (H-583) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The following papers appearing on

Supplement No. 2 were taken up out of order by unanimous consent:

An Act Providing for Temporary Interim Relief to the Availability of Hospital and Medical Malpractice Insurance (H. P. 1160) (L. D. 1459)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an Emergency Measure, a two-thirds vote of all the members elected to the House necessary, a total was taken. 118 voted in favor of same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Jalbert of Lewiston, by unanimous consent, was ordered sent forthwith to the Senate.

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

Mr. JENSEN: Mr. Speaker, would it be in order to ask that an L. D. earlier ruled not germane in New Draft be referred back to committee?

The SPEAKER: The gentleman's motion would be in order.

Mr. JENSEN: Mr. Speaker, I would move that L. D. 1911, House Paper 1656, Bill "An Act Relating to the Maine Transportation Board," be referred back to the Committee on Transportation.

The SPEAKER: In reference to L. D. 1489, New Draft L. D. 1911, an item that the Chair rules that the Committee Redraft was not germane to the Bill, the Bill is still in our possession, since I ruled only on the redraft itself, the motion to recommit to the Committee on Transportation would be in order.

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

Mrs. BERRY: Mr. Speaker, would it be proper at this time for it to be tabled for one day?

I would ask that somebody table this for one day.

Thereupon, on motion of Mr. Albert of Limestone, tabled pending the motion of Mr. Jensen of Portland to recommit to the Committee on Transportation and tomorrow assigned.

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

The following Communication:

June 4, 1975

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

The Senate today voted to Adhere to its action whereby it accepted the Minority Ought Not to Pass report on Bill, "An Act Establishing an Experimental Open Season on Moose" (H. P. 99) (L. D. 106).

Respectfully,

(S)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-217) on Bill "An Act to Further the Conservation of Vision" (S. P. 169) (L. D. 556)

Messrs. HICHENS of York
GREELEY of Waldo

-of the Senate.

Mrs. LAVERTY of Millinocket

MORIN of Old Orchard Beach
Messrs. SPROWL of Hope
KENNEDY of Gray
CURRAN of South Portland
HENNESSEY of West Bath
GOODWIN of South Berwick

-of the House.

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

Bill was signed by the following members:

Mr. BERRY of Androscoggin

-of the Senate.

Mrs. POST of Owls Head

Messrs. LOVELL of Sanford

LaPOINTE of Portland

-of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-217) Report of the Committee read and accepted and the Bill passed to be engrossed as amended.

In the House: Reports were read.

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

On motion of the same gentleman, tabled pending his motion to accept the Majority Report in concurrence and tomorrow assigned.

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-235) on Bill "An Act to Amend the Maine Housing Authorities Act by Creating a Loans-to-Lenders Program and Making Changes to Improve the Efficiency of Using Federal Housing Funds" (Emergency) (S. P. 286) (L. D. 1002)

Report was signed by the following members:

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

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

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

Report was signed by the following members:

Mr. WYMAN of Washington — of the Senate.

Mr. FARNHAM of Hampden — of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-235) Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "A" (S-254) and "B" (S-258) thereto.

In the House: Reports were read.

Mr. Cooney of Sabattus moved that the House accept the Majority "Ought to pass" Report in concurrence.

On further motion of the same gentleman, tabled pending his motion to accept the Majority Report in concurrence and tomorrow assigned.

RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Lot in Trevescott, Washington County, to Clarify Title (H. P. 954) (L. D. 1193) which was enacted in the House on May 23.

Came from the Senate passed to be

engrossed as amended by Senate Amendment "A" (S-256) in non-concurrence.

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

Bill "An Act to Authorize the Board of Registration in Medicine to Conduct Medical Education Programs" (S. P. 430) (L. D. 1417) which was passed to be engrossed as amended by House Amendment "A" (H-443) in the House on May 22.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-443) and Senate Amendment "A" (S-257) in non-concurrence.

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

(Off Record Remarks)

On motion of Mr. Rolde of York, Adjourned until nine-thirty tomorrow morning.

Mr. Rolde: I have a motion to adjourn until nine-thirty tomorrow morning. I think that is a reasonable motion. I think that is a reasonable motion. I think that is a reasonable motion.

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