

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, June 5, 1975

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

Prayer by the Rev. David K. Swensen of Waldoboro.

The journal of yesterday was read and approved.

(Off Record Remarks)

Papers from the Senate

From the Senate: The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE 04330

June 4, 1975

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

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Extend the Provisions of the Energy Emergency Proclamation" (H. P. 1152) (L. D. 1446).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees

Leave to Withdraw

Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Provide for the Licensure of Speech Pathologists and Audiologists" (S. P. 454) (L. D. 1669)

Came from the Senate with the Report read and accepted.

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Lowering the Maximum Age of Juvenile Offenders" (S. P. 44) (L. D. 96)

Report was signed by the following members:

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

Mrs. MISKAVAGE of Augusta
Messrs. HENDERSON of Bangor
PERKINS of South Portland
HOBBINS of Saco
HUGHES of Auburn
SPENCER of Standish
— of the House.

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

Report was signed by the following members:

Mr. COLLINS of Knox
— of the Senate.

Messrs. McMAHON of Kennebunk
HEWES of Cape Elizabeth
GAUTHIER of Sanford
BENNETT of Caribou
— 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. Hobbins of Saco, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act Creating the Post-secondary Education Commission of Maine" (S. P. 344) (L. D. 1160) which was indefinitely postponed in the House on May 21.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-134) as amended by Senate Amendment "A" (S-248) thereto in non-concurrence.

In the House:

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

Mr. LYNCH: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the House recede and concur.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The amended bill simply provides for planning, and I would like to suggest to you that the alternative is a commission by executive order from the Governor, and the appointment will be all his.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools" (S. P. 476) (L. D. 1609) which was indefinitely postponed in the House on May 29.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-252) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Require the Closing of Voter Registration 32 Days Prior to an Election" (H. P. 20) (L. D. 28) which was indefinitely postponed in the House on June 2.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (H-516) in non-concurrence.

In the House: On motion of Mr. Rolde of York, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Creating the Maine Health Maintenance Organization Act" (H. P. 494) (L. D. 724) which was passed to be engrossed as amended by House Amendments "B" (H-528), "C" (H-541) and "D" (H-618) in the House on June 2.

Came from the Senate passed to be engrossed as amended by House Amendments "B" (H-528) and "C" (H-541) in non-concurrence.

In the House:

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

Mrs. POST: Mr. Speaker, I move we insist and ask for a Committee of Conference.

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, moves that the House insist and ask for a Committee of Conference.

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

Mr. MORTON: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves that the House recede and concur.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: The issue on which we are now in non-concurrence with the other body has to do with an amendment where consumer representation on the governing boards of health maintenance organizations. It is my understanding this amendment was originally supposed to come out as a committee amendment, although there were some difficulties and it did not come out that way. My House Amendment did take care of some technical problems and it made specific exemptions to times when health maintenance organizations would not have to have elected consumer representatives on their board.

My question is simply, when we have governing boards of health maintenance organizations, which at times give total health care delivery to people within their area, how do people get on those governing boards? They have to be elected by someone. They either can be elected by the other members of the board and therefore the board becomes the self-perpetuating organization, or some of them can be elected by the people whom they serve, and I would say that the last situation is the one which should exist and which my amendment does put on.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would call your attention to this bill, L. D. 724, which is the bill to create the Maine Health Maintenance Organization Act, which is a controlling and enabling act for health maintenance organizations.

This bill has been two years in study and development and drafting, and it was taken in report during the interim between the 106th and 107th. It had a public hearing this session of the legislature and came out with a unanimous "ought to pass" report in its original condition.

Amendments "B" and "C" are good housekeeping amendments. I accept them, no problem at all. As I pointed out to you the other day, however, Amendment "D" is a substantive change in the bill that the other body has seen fit to remove from the bill.

The gentlewoman from Owls Head points out that she is concerned about consumer input to HMO's, and I couldn't agree with her more. However, I would point out to you, if you would look at the bill, in Section 4207 on page 7, where it says that the governing body shall establish a mechanism to afford enrollees an opportunity to participate in matters of policy and operation through the establishment of an advisory panel by use of advisory referenda, or major policy decisions through the use of other mechanisms.

I would further call your attention to page 13 under "F", where it says: The health maintenance organization, which has failed to implement such a mechanism, may be, by the superintendents, have a certificate of authority suspended or revoked, so there is opportunity for input.

I would further direct your attention to section 4211 at the top of page 10, which sets up a complaint system. This complaint system shall establish and maintain a complaint system which has been approved by the superintendent after consultation with the Commissioner of

Health and Welfare to provide reasonable procedures for the resolution of written complaints initiated by enrollees concerning health care services. With one of the gentlewoman from Owls Head's amendments, we already have adopted and kept on, and general operating procedures are also included in that. That particular complaint system is further backed up again on page 13 by the Commissioner, the superintendent, having the opportunity to suspend or revoke any certificate of authority where the health maintenance organization has failed to implement the complaint system acquired by section 4211 in a manner to resolve valid complaints.

So I submit to you, ladies and gentlemen, that the consumer, the enrollee, does have very excellent input to this health maintenance organization setup.

One might wonder what the problem is with having board members elected by the enrollees. There is no problem for many health maintenance organizations, and the gentlewoman from Owls Head is concerned with problems which may occur two, three, four years down the road, we do not know. But I submit to you that there is going to be ample opportunity to make this correction later if it is necessary.

This bill was worked on, has great construction and the input from all kinds of people, including consumers, is in the bill at the present time. We really shouldn't foul it up with this amendment. I would hope very much that you would recede and concur this morning.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The issue we are dealing with here is another consumer interest on a particular board. The board in question is in the formation of new health maintenance organizations.

You are aware that I have been quite vocal in terms of taking the so-called, consumer representatives off the boards of dentists and off the board of veterinarians. Some of those bills are coming back again today. I did say on the floor of the House, however, that I do feel that there are areas where consumer representation is not only desirable but necessary, and I think here is an area that is like that.

The gentleman from Farmington, Mr. Morton, has indicated that there is plenty of opportunity for consumer input even if the enrollees in the program are not on the board. I would suggest that the most meaningful place for consumer input where it really counts is when the duly representatives of the consumers in question are sitting on the policymaking board and actually participating in developing the rules that very much affect their lives and the services being performed. I would hope today that we would defeat recede and concur and then insist.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think if you want to look very closely at the section where it sets up the advisory committees on the governing bodies, and the L. D. number is 724, really what it says is that consumer input could consist of simply sending out a questionnaire maybe once a year on major policy matters and seeing what the people enrolled in the program actually want. Now here does it say even after a questionnaire, or you could call it a referendum if you want, even after that is

done, that the board necessarily has to take anybody's advice.

I think it is very clear that the times when people feel really responsible to enrollees and responsible to the people they represent is when, such as we are here, we are actually elected by those people, not appointed.

I would say to you that this is not a problem which may occur sometime in several years time. We have a health maintenance organization in our area, and to my mind there have been times when decisions that have been made might have been made differently had they had elected, committed consumer representatives on those boards.

In the amendment, I would also like to point out that we do give a year's lead time, that organizations only have to meet this criteria a year after they have been set up. And if we find that there are in fact some types of organizations that do not lend themselves to this kind of participation, we can come back and give the same kind of extensions as we have given to doctors and associations.

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

Mr. LAPOINTE: Mr. Speaker, Men and Women of the House: I very reluctantly rise this morning and speak on this particular motion to recede and concur. As some of you most certainly know, I am an advocate of consumer representation, particularly as it relates to licensing boards. However, as a cosponsor of this particular bill with the gentleman from Farmington, Mr. Morton, I would urge you to go along with the motion to recede and concur.

Mr. Morton has pointed out to the House this morning that the Health and Institutional Services Committee has looked at this particular question of health maintenance organizations. We dealt with it for the past two years as a result of a study order that was submitted to the regular session of the 106th, and we feel that we have come up with an adequate bill. We also feel that we have come up with an adequate approach to dealing with consumer input into the formulation of policy and operation of HMO's.

I take this position very reluctantly this morning, but I do hope that you will go along with the recede and concur. I might also add that there has been developing a history of health maintenance organizations around the country. In the course of our study, I recall reviewing some information on health maintenance organizations in Philadelphia in which they did have consumer representation on the board. The problem that occurred was that the HMO in question virtually became inoperable.

I am not suggesting, by any stretch of the imagination, that this situation might occur as a result of the gentlewoman from Owls Head's amendment, but I think that we do have adequate input for consumers in the health maintenance organization bill that we have before us. I would hope that you would go with the motion to recede and concur this morning.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Farmington, Mr. Morton, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Bustin of Augusta 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 Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think I can certainly understand why the gentleman from Portland, Mr. LaPointe, said that he supported the recede and concur motion reluctantly, because it seemed to me that his arguments were totally without merit. Number one, he says he is an advocate of putting consumer representatives on licensing boards, such as the board of dentistry, where the consumer representative would be virtually powerless to have any real meaningful input in terms of whether a dentist should be licensed or should not be licensed.

On the other hand, we are now talking about a health maintenance organization where people join the organization, pay a fee, such as \$30 a month for each member of their family, to have that organization provide for them medical services, complete medical services. The people who are paying these fees are asking to have elected representatives sitting on the board of the organization that makes the decisions as to what those services will be. If that isn't a greater place to have consumer input, I don't know what is. The people who are directly receiving the program would be in a real position to say, "This service is inadequate. We want another one. We don't think that the hospital care at night, for example, is adequate. We think we deserve better physical examinations. We are paying the bill, we would like an opportunity to say whether we like the service or not." Now, that is consumer representation; that is where it counts, when you can have a vote on the policies that affect the services being delivered. I hope we will defeat this motion on a roll call.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: All the gentlewoman from Owls Head, Mrs. Post, is asking for is a committee of conference regarding one amendment to this bill. She has some reservations about that being removed as well as other members of the House, and I don't see any reason — perhaps they won't be able to agree, the House and Senate, but I really think we ought to give them the opportunity to try to work out their differences and see if they can reach some compromise on this measure. I hope you will defeat the motion so that she can have the committee of conference.

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

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Birt, Bowie, Byers, Carpenter, Churchill, DeVane, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Garsoe, Goodwin, H.; Gould, Gray, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Jacques,

Kelleher, Kelley, LaPointe, Laverty, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Mackel, MacLeod, McBreairty, McKernan, Miskavage, Morin, Morton, Nadeau, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Rideout, Rollins, Silverman, Snow, Snowe, Strout, Stubbs, Susi, Teague, Torrey, Walker, Webber, Wilfong.

NAY — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Boudreau, Burns, Bustin, Call, Carey, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, Doak, Dow, Drigotas, Farley, Flanagan, Fraser, Gauthier, Goodwin, K.; Greenlaw, Henderson, Hennessey, Hobbins, Hughes, Hutchings, Ingegneri, Jalbert, Jensen, Joyce, Kennedy, Laffin, LeBlanc, Lizotte, Lynch, MacEachern, Mahany, Martin, R.; Maxwell, McMahon, Mills, Mitchell, Mulkern, Najarian, Norris, Peakes, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Spencer, Talbot, Tarr, Theriault, Tierney, Truman, Twitchell, Tyndale, Usher, Wagner, Winship.

ABSENT — Blodgett, Connors, Dam, Faucher, Hall, Kany, Kauffman, Martin, A.; Smith, Sprowl, Tozier.

Yes, 62; No, 76; Absent, 11.

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

Thereupon, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air" (H. P. 1191) (L. D. 1487) on which the House insisted on its former action whereby it passed the Bill to be engrossed as amended by House Amendment "A" (H-405) in the House on May 28.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by House Amendment "A" (H-405) as amended by Senate Amendment "A" (S-239) thereto and asked for a Committee of Conference.

In the House: The House voted to insist and join in a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Permit Public Use of State Docking Facilities in Casco Bay" (H. P. 1051) (L. D. 1433) on which the Minority "Ought to Pass" Report of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-637) in the House on June 3.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Public Utilities read and accepted.

In the House:

Mr. Berry of Buxton moved that the House recede and concur.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do not recede and concur and I hope we insist. This bill was heard. It had no opposition. It went through the House. I put an amendment on it which exempted the Maine State Pier. The House adopted the Minority Report, nobody objected, it went to the Senate and I don't see why we should object now.

I would hope that you would not recede

and concur and hope that we would insist and send it back to the Senate.

The **SPEAKER**: The Chair will order a vote. The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the House voted to insist.

Messages and Documents

The following Communication:

State of Maine
One Hundred and Seventh
Legislature
Committee on Energy

June 4, 1975

The Honorable John L. Martin
Speaker
Maine House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Energy is pleased to report that it has completed all business placed before it by the 107th Session of the Maine Legislature.

Total Bills Received	16
Unanimous Reports	9
Leave to Withdraw	6
Ought to Pass	1
Ought to Pass in New Draft	1
Ought Not to Pass	1
Divided Reports	7
Total Number of Amendments	1
Total Number of New Drafts	3

Signed:

ROBERT M. FARLEY
House Chairman

The Communication was read and ordered placed on file.

The following Communication:

State of Maine
One Hundred and Seventh
Legislature
Local and County Government

June 2, 1975

The Honorable John L. Martin
Speaker of the House of Representatives
House Chamber
State House
Augusta, Maine 04333
Sir:

The Legislative Committee on Local and County Government is pleased to report the completion of that business of the 107th Legislature that was placed before this committee.

Total Number of Bills Received	110
Ought to Pass	13
Ought to Pass as Amended	30
Ought to Pass in New Draft	10
Ought Not to Pass	30
Divided	4
Referred to Another Committee	2
Leave to Withdraw	21

This will advise you that the following bills have been completed and reported out; however, these do not affect the total number of bills that are listed above except to account for many of the bills which are listed under "Ought Not to Pass" and "Leave to Withdraw":

- Omnibus 16 — Counties Law Library Bill
- Omnibus 16 — Counties Salary Bill
- Omnibus 16 — Counties Budget Bill

Respectfully,

Signed:

C. EVERETT DAM
House Chairman

The Communication was read and ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

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

Education

Bill "An Act to Amend the Definition of 'School Bus' to Include School Buses Rented from School Administrative Units by Non-profit Organizations in Order to Transport Children" (Emergency) (H. P. 1666) (Presented by Mr. Peterson of Caribou) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Bill "An Act Relating to Funding of Richmond Schools for 1975" (H. P. 1667) (Presented by Mr. Leonard of Woolwich) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

(Ordered Printed)

Sent up for concurrence.

(Off Record Remarks)

Orders

Mr. Jackson of Yarmouth presented the following Joint Order and moved its passage: (H. P. 1668)

WHEREAS, the United States is in the initial stages of a far reaching energy crisis and is seeking new and alternative sources of energy; and

WHEREAS, the United States is dependent upon expensive foreign oil which has a significant effect on the national economy; and

WHEREAS, the Council on Environmental Quality estimates that there are 10 to 20 billion barrels of potentially discoverable and economically recoverable oil and 55 to 110 trillion cubic feet of gas in the Atlantic Outer Continental Shelf; and

WHEREAS, the Council on Environmental Quality considers the Georges Bank with an estimated 60,000 cubic miles of sediment to be one of the richest off-shore depositories of the nation; and

WHEREAS, federal agencies as well as private enterprise are exerting significant pressure to develop the Atlantic Outer Continental Shelf which makes future Outer Continental Shelf Development more and more probable; and

WHEREAS, the only type of existing off-shore drilling comparable to that anticipated for the North Atlantic is located in the North Sea; and

WHEREAS, the North Sea drilling facility required extensive planning on the local and regional level; and

WHEREAS, the North Sea drilling facility portends profound impact and change on the economies, population, housing facilities and growth of the coastal towns and cities of the British Isles; and

WHEREAS, the North Sea off-shore drilling facilities pose serious and challenging environmental problems for the entire British Isles; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized through the Joint Standing Committee on Energy, to analyze the impact of the development of the Outer Continental Shelf and off-shore drilling in the Georges Bank region on Maine's energy resources, the State's economy, housing facilities, and social services, and the type of local,

state, and regional planning that must be implemented to protect the State of Maine and to accommodate Outer Continental Shelf development; and be it further

ORDERED, that the Legislative Council, via the Energy Committee, conduct the study in consultation with the Department of Environmental Protection, the Department of Marine Resources, the Department of Commerce and Industry, the Governor's Advisory Committee on Coast Advancement and Conservation, the Maine Resources Commission and other agencies or departments that will enable the Legislative Council to carry out this Order; and be it further

ORDERED, that the Legislative Council report its findings, together with final drafts with any recommended legislation to the next special or regular session of the 107th Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted to the departments and agencies directed to cooperate with the Legislative Council as notice of this directive.

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

Mr. Carter of Winslow presented the following Joint Order and moved its passage: (H. P. 1669)

WHEREAS, this is an age of increasing scarcity of energy and of natural resources; and

WHEREAS, the recycling and reuse of consumer and industrial goods is one of the chief methods of conserving the limited supply of energy and natural resources; and

WHEREAS, the Legislature recognizes that a comprehensive system of recycling and reuse of consumer and industrial goods is only economically feasible on a state-wide scale; and

WHEREAS, such recycling and reuse would also have the advantage of significantly decreasing the amount of litter which presently despoils Maine's natural beauty; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized, through the Joint Standing Committee on Natural Resources, to study the economic, social and environmental feasibility of instituting a state-wide, comprehensive system of recycling consumer and industrial goods and materials; and be it further

ORDERED, that the experience of other states, especially Massachusetts, in attempting to establish a state-wide system of reuse and recycling be studied in an effort to learn from the efforts of others; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and final drafts of necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive.

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

House Reports of Committees Ought Not to Pass

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Set Standards for Single-unit Municipal Assessing Areas" (H. P. 53) (L. D. 65) reporting "Ought Not to Pass"

Mr. Susi from the Committee on Taxation on Bill "An Act to Permit Primary Assessing Districts to Employ Part-time Assessors" (H. P. 253) (L. D. 302) reporting "Ought Not to Pass"

Mr. Finemore from the Committee on Taxation on Bill "An Act to Establish Minimum Assessment Standards for Single-unit Municipal Assessing Areas" (H. P. 967) (L. D. 1268) reporting "Ought Not to Pass"

Mr. Finemore from the Committee on Taxation on Bill "An Act Relating to Assessing Standards" (H. P. 1104) (L. D. 1414) reporting "Ought Not to Pass"

Mr. Finemore from the Committee on Taxation on Bill "An Act Relating to Property Assessing Tax Laws" (H. P. 1170) (L. D. 1478) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Leonard from the Committee on Public Utilities on Bill "An Act to Permit the Public Utilities Commission to Review Sewer Rates and Charges upon Request of an Aggrieved Party" (H. P. 1140) (L. D. 1435) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-650) on Bill "An Act Relating to Termination of Utility Service" (H. P. 1361) (L. D. 1663)

Report was signed by the following members:

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

— of the Senate.

Mrs. SAUNDERS of Bethel

Mrs. TARR of Bridgton

Messrs. GRAY of Rockland

NADEAU of Sanford

BERRY of Buxton

SPENCER of Standish

LEONARD of Woolwich

LUNT of Presque Isle

— of the House.

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

Report was signed by the following members:

Messrs. LITTLEFIELD of Hermon
KELLEHER of Bangor

— of the House.

Reports were read.

On motion of Mr. Berry of Buxton, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-650) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Taxation on Bill "An Act to Repeal an Act Relating to Property Taxation which was Enacted by the 106th Legislature" (H. P. 539) (L. D. 655) reporting that the same "Ought to Pass" in New Draft "A" under New Title Bill "An Act to Revise an Act Relating to Property Taxation which was Enacted by the 106th Legislature" (H. P. 1664) (L. D. 1917)

Report was signed by the following members:

Mr. MERRILL of Cumberland

— of the Senate.

Messrs. TWITCHELL of Norway

DAM of Skowhegan

SUSI of Pittsfield

MULKERN of Portland

FINEMORE of Bridgewater

COX of Brewer

MAXWELL of Jay

DRIGOTAS of Auburn

MORTON of Farmington

— of the House.

Minority Report of the same Committee reporting that the same "Ought to Pass" in New Draft "B" (H. P. 1665) (L. D. 1918)

Report was signed by the following members:

Messrs. WYMAN of Washington

JACKSON of Cumberland

— of the Senate.

Mr. IMMONEN of West Paris

— of the House.

Reports were read.

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

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly state that in the Republican caucus this morning we discussed these bills and a lot of our members at least felt that the wisest thing to do, since this does deal with the tax assessing district, would be to get an explanation from the committee on just what the difference is on the two reports in front of us and then table this bill for two days so that we could go home over the weekend and find out, because it is such an explosive issue I think, how people feel concerning the two reports. So I hope that somebody on the committee would explain the reports and then we could do that.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I am in complete concurrence with the idea offered by the gentleman from Bangor and I will point out to you that you had delivered on your desks this morning two L. D.'s, 1917, which is New Draft A, the majority report of the committee, and New Draft B, L. D. 1918, which is the minority report of the committee.

A little background on the issue, I think most of us are aware of it but to make certain we all start out on even footing, in the 106th session of the legislature, there was legislation put in which called for assessment districts in the state of Maine and it further provided that our Bureau of Taxation would establish standards under which assessment would take place here in Maine. I want to mention that, inasmuch as I personally feel that the Bureau of Taxation has taken a lot of abuse when actually they were only doing what the law, which this legislature passed, directed them to do. At any rate, they did implement the law and they came up with 12 standards which would establish mandatory practices in the municipalities of the State of Maine in the field of assessment. Immediately, in our smaller communities across the state, there was an uproar on this issue and I am sure you know from having read the newspapers and perhaps even participating, there were organizations formed like Freedom Fighters and other groups who opposed this intrusion on local prerogatives.

Further I would like to comment, as part

of the background on this issue, that probably 75 percent of the people in the State of Maine live in communities that equal or exceed the standards that were proposed by the Bureau, the standards that are being offered in the legislation and that the opposition to this comes from smaller communities. I think most of you are aware of this, but I think that this is an important point.

I further think that this is important. We have this past year had legislation in the books which, as it was, would lead to districting and I think that this did, as a matter of fact, create a pressure on smaller communities so that in the past two years we've had tremendous improvement in our tax assessment processes around the state in our smaller communities. The small communities claim this to be so. From all that I know, I believe that it is so, that they have improved their assessment standards considerably.

The majority of the Taxation Committee, in my opinion, has supported in Report A a very moderate position on this issue which will, if enacted, continue this improvement, which in my opinion is very badly needed. The Freedom Fighters, and I guess perhaps other groups around the state that have held numerous public meetings on this and other issues have taken a position on the issue of complete repeal of the state's involvement in the question of assessments and it is a very simple position, easily understood, and I can understand why they did take such a simple and direct approach to it, because with large numbers of people involved, it doesn't require much explanation. It just puts the State of Maine completely out of the assessment field. This raises the question of why not? Why not get the state out of the assessment business and let the local municipalities do as they please in this regard? Well, there are several reasons but I think the compelling reason, in addition to the fact that the property tax is our largest yielding tax in the State of Maine by far, it produces way more money so it is a very important matter, in my opinion, as to how the property tax is administered.

Probably from our standpoint as state legislators, the most convincing reason would be that the state does, through various programs, participate in the financing of such things as welfare, highways, school costs through our revenue sharing and all, and all these distributions of state funds made to municipalities are based on the assessed valuations of these municipalities, and that assessment does rest on what the local assessors place as values on the property in that town. To put it in its simplest form, poor, local assessment means an inequitable distribution of state funds which should concern us and does concern us very much.

Through this whole consideration of this issue, we have had a continual discourse with various members of these citizen groups throughout the state and I particularly have had considerable contact with the president of Freedom Fighters, a fellow by the name of Ron Wood from Swanville, whom I found to be a very intelligent guy, very devoted and committed to the idea of maintaining a maximum autonomy for the municipalities of the state. We all have considerable sympathy with this viewpoint. I could go on for a long time recounting to you all of the discussions that we had on this issue,

but I think that to summarize, Ron Wood, as a spokesman for the Freedom Fighters, insisted first "Do not as state officials mandate districts." He further insists that we not mandate assessment practices. He does ask, in behalf of the communities and the people in them that are involved in his group, that they be allowed more time to continue the improvements which he is convinced and I am convinced are already being made in assessment practices across the state. He and I reached agreement on these points that he feels so strongly about. As a kicker, I asked him that he and his people make a commitment to continue this improvement and reach higher standards. I gave this information to the Taxation Committee and I believe that the committee generally agreed with the approach that we talked about and I believe that our majority report reflects this inasmuch as it calls for results and it does not mandate the methods by which they obtain these results.

I mentioned earlier that there were 12 standards established by the bureau in the field of assessment for guidance of the municipalities in the state. Ten of those standards were, under this majority report, wiped out. If you will read the Statement of Fact on 1917, Report A, it will explain to you the standards that no longer apply to the municipalities across the state. There were two standards that were retained and they are spelled out on the sheet that Mr. Morton from Farmington has distributed to you, it is readily available at the top there, it is also on page 6-A of the bill, and they are that the minimum assessment ratio shall be up to 50 percent by 1977, 60 percent by 1978 and 70 percent by 1979. As the second standard which we would be asking of municipalities, their maximum rating of assessment quality would be up to 30 percent in 1977, 25 percent in 1978, and 20 percent in 1979.

There is a brief simple explanation to these. If there is a community that has, say, \$5 million valuation in actual value, the assessors would have to have, under the first standard, the value up to at least \$2.5 million by 1977, up to \$3 million by 1978 and to \$3.5 million by 1979, so they are given four years to get the value of their community up to 70 percent.

Now, as to the assessment quality, I think the example that was used in the Statement of Fact, a piece of property worth \$10,000, after this period down to 1979, by 1973 they would have to be within 20 percent either side of the \$10,000 actual value, so if it were assessed anywhere between eight and twelve thousand dollars, which to me is considerable range, on the \$10,000 property they would have a range of \$4,000. If their assessment is anywhere in that range, they will have attained the standard of performance which would be the ultimate standard under this bill.

I believe that these are very modest proposals; I believe that they are the minimum position that the state could reasonably take on this issue. I know that there will be much more discussion on this and I hope that everyone does get acquainted with it so that over the weekend you will have a chance to talk with your municipal officials and get their reactions on it.

Thereupon, on motion of Mr. Rolde of York, tabled pending the motion of Mr. Drigotas of Auburn to accept the Majority Report and specially assigned for Monday, June 9.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-649) on Bill "An Act Relating to Improved Property Tax Administration" (H.P. 882) (L. D. 1150)

Report was signed by the following members:

Messrs. MERRILL of Cumberland
JACKSON of Cumberland

— of the Seante.

Messrs. DRIGOTAS of Auburn
MULKERN of Portland
FINEMORE of Bridgewater
TWITCHELL of Norway
MORTON of Farmington
IMMONEN of West Paris
COX of Brewer
MAXWELL of Jay
DAM of Skowhegan

— of the House.

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

Report was signed by the following member:

Mr. WYMAN of Washington

— of the Senate.

Reports were read.

On motion of Mr. Drigotas of Auburn, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-649) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

Bill "An Act Relating to Political Fundraising by State Employees" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-651) (H. P. 1382) (L. D. 1686)

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

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I wish someone would clarify or explain what this L. D. does. The explanation in the Statement of Fact says that it clarifies the law, but clarifies it to what? Does this allow or prohibit solicitation of funds by state employees?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, has posed a question through the Chair to anyone who may answer.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This has nothing whatsoever to do with any of the classified state employees. What this says is, if you're in a supervisory position of any of the departments, you cannot use your influence with people you regulate. You cannot go to them and ask them for funds to oppose or to help a cause. You cannot go to the people that you supervise, that you regulate is a better word.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would ask a further question. Does this in some way affect the so-called "Little Hatch Act" that applies here in Maine?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes has posed an

additional question through the Chair, and the Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: I don't think it has anything to do with it because, as I understand it, the Hatch Act applies only to classified employees and these are not classified employees.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-651) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar Second Day

Bill "An Act Transferring the Institutional Resident Advocate Program of the Department of Mental Health and Corrections to the Human Rights Commission" (C. "A" H-628) (H. P. 541) (L. D. 657)

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-628) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act to Revise the Charter of the Augusta Water District" (C. "A" H-630) (H. P. 1427) (L. D. 1796)

On the request of Mr. Lewin of Augusta, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-630) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act Concerning the Workmen's Compensation Act" (C. "A" H-633) (H. P. 1453) (L. D. 1741)

Bill "An Act Concerning the Agency Collection Act" (C. "A" H-634) (H. P. 1258) (L. D. 1553)

Bill "An Act Concerning the Formation of Corporations without Capital Stock" (C. "A" H-639) (H. P. 1291) (L. D. 1598)

Resolution, Proposing an Amendment to the Constitution to Provide for Determination of Inability of Governor to Discharge the Powers and Duties of His Office (C. "A" S-243) (S. P. 334) (L. D. 1120)

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

Passed to Be Engrossed

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)

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)

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)

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)

Were reported by the Committee on Bills in the Second Reading, read the second

time, passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act Relating to Occupational Safety and Health in Public Employment" (H. P. 478) (L. D. 646) (C. "A" H-635)

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) (C. "A" H-583)

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

Constitutional Amendment Later Today Assigned

Resolution, Proposing an Amendment to the Constitution to Provide for Direct Initiative for Proposed Amendments to the Constitution (H. P. 1421) (L. D. 1806) (C. "A" H-397, S. "A" S-214)

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

(On motion of Mrs. Najarian of Portland, tabled pending final passage and later today assigned.)

Passed to Be Enacted Emergency Measure

An Act Relating to Verifying Facts Supporting the Eligibility of Applicants for Aid for Families with Dependent Children (H. P. 1467) (L. D. 1726) (H. "C" H-532 to C. "A" H-419)

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

Passed to Be Enacted

An Act Relating to Weekly Compensation Paid Under the Workmen's Compensation Law (S. P. 226) (L. D. 758) (C. "A" S-118) (S. "A" S-223)

An Act Relating to Reports of Soil Suitability in Municipalities which have Adopted Shoreland Zoning Ordinances (S. P. 248) (L. D. 821) (C. "A" S-216)

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

An Act to Clarify Laws Relating to Corporations (S. P. 421) (L. D. 1388) (C. "A" S-180) (H. "A" H-511)

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

Enactor

Tabled and Assigned

An Act Designating Family Day Care as a Priority Social Service (H. P. 1207) (L. D. 1500) (Conference C. "A" H-556)

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

(On motion of Mr. Rolde of York, tabled pending passage to be enacted and specially assigned for Monday, June 9.)

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

House Divided Report — Report "A" (8) "Ought to Pass" as amended by Committee Amendment "A" (H-625) —

Report "B" (1) "Ought to Pass" as amended by Committee Amendment "B" (H-626) — Report "C" (2) "Ought to Pass" as amended by Committee Amendment "C" (H-627) — Report "D" (2) "Ought Not to Pass" — Committee on Natural Resources on Bill "An Act Relating to the Saco River Corridor Commission Law" (H. P. 1123) (L. D. 1401)

Tabled — (Until Later in the day) June 4, by Mr. Rolde of York.

Pending — Acceptance of any Report. Mr. Peterson of Windham moved that the House accept Report C.

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

Mr. GARSOE: Mr. Speaker, I would pose a question to the gentleman from Windham if he would give us a brief rundown on the different facts contained in each report.

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

Mr. PETERSON: Mr. Speaker, Report C is a Committee Amendment. There are a number of divided reports. I will leave the explanation of Report C to Representative Wilfong of Stow who is the sponsor of Committee Amendment C.

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

Mr. WILFONG: Mr. Speaker, Committee Amendment C is somewhat of a compromised position that I worked with Representative Spencer of Standish on, and it will allow the Saco River Corridor Commission to grant variances in regard to a subdivision for single family residences within the corridor, provided that the subdivision has been approved and was recorded prior to March 19, 1974. It requires them to comply with all of the plumbing code laws, including Appendix B in the Maine State Plumbing Code, and I think it is a good amendment and would appreciate your support on it.

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

Mr. AULT: Mr. Speaker and Members of the House: I would like to explain the differences in the reports if I might. That was the question that was asked. There are four reports, Report A, which was signed by a majority, eight members of the Natural Resources Committee and that amends the Bill with House Amendment 625. There is then Report B, which was signed by one member of the committee, the Chairman from the Senate and that is amended by H-626. There is then Report C, which you have a motion to accept right now, which was signed by two members of the committee and that has attached H-627, and then there were two members of the committee, including Mr. Peterson from Windham who signed the "Ought Not to Pass" Report. I would urge you to reject Report "C", signed only by two members, and accept the Majority Report "A" which in my opinion, treats the situation in the fairest manner in that it says that anyone who owns a lot will be able to build on that lot as long as he conforms with the State Plumbing Code, and this applies to everybody else in the State of Maine and there's no reason why it shouldn't apply to these people.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: There was one report that he didn't say much about and that was the report that I signed, the "Ought Not to Pass" Report, however, in

looking it over and thinking about it seriously, I would prefer now to throw my support for Amendment "C" and I will take a few minutes to explain my reason for this.

My reason for this is that we are going to allow a very dense development happening along that river. We have a Saco River Corridor Commission which is comprised of representatives from 20 communities in that area who have been commissioned by this legislature to do a job and if we undermine this commission by circumventing their authority in this, then I think we are very remiss and acting very irresponsibly.

The other factor is that what Mr. Ault said about all the rest of the state as being under the same plumbing code is not correct. The plumbing code does apply to all the rest of the state except in unorganized territories which come under Land Use Regulation Commission and the Land Use Regulation Commission has adopted as one of their regulations Appendix B of the plumbing code which is in reference to the minimum lot size required for the building permit to be issued in the unorganized towns. The reason for the minimum lot size requirement is because of the certain types of soil which is tested and found to be suitable for private septic systems, but in some cases, where it is what we call Madawaska soil, it is very permeable, very penetrating and the water goes through it very quickly and doesn't receive the treatment that they would like to see it receive before it gets into the water table or before it gets into the lake or the river. In the case of Madawaska soil, the minimum lot size requirement for your information, not that it will matter much to you, but its 80,000 square feet. Now in Saco River Corridor, Lake Arrowhead Development, there is Charlton soil and coalton soil and Charlton soil; the minimum lot size requirement is 20,000 square feet and the coalton soil, is 40,000 square feet, minimum lot size required. This is in Amendment "C", which does take into consideration the density of development and does help the commission protect the waters which they have been commissioned to do.

The other thing that it does is create somewhat of a compromise in the position because the commission, at first, were going to not allow this but we've talked with them and they have compromised a little bit on this with the Arrowhead people and have accepted and would be willing to accept this amendment and would be willing to allow this lot development to go on in this manner and under these circumstances. Therefore, I would support Amendment "C" because that I think it is a compromise for Lake Arrowhead and a compromise for the commission. I think it is a workable situation and I would hope that you would go along with Amendment "C" because I would certainly like to see these people in that particular area, these 20 communities, have the opportunity to protect their waters and their lands.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Without going into too much detail on the four amendments or the four reports, I would just like, before you vote, to be sure that you fully understand just what we are doing down in the Saco River Corridor area. The Saco River Corridor Commission was created in the 106th

legislature with the purpose of keeping the Saco River one of the cleanest rivers in the state, keeping it that way. The commission, as I said, was created in the 106th and the commission was accepted by everybody along the banks of the river, very very little opposition. It's an area that I have lived in all my life and the area that we are discussing today used to be one of the most scenic areas of anywhere on the Saco River, probably anywhere in York County, until Arrowhead came along. Then Arrowhead proposed to develop the site. Now imagine a section of river with 3200 lots right on the water. What actually Arrowhead is doing is probably not too much different than any large developer does, they begin to trade something off, they are taking the dollar bills, cutting down the trees and I guess that is all business. Arrowhead probably most of you don't understand and I'm not sure I did until a couple of weeks ago, I assumed that Arrowhead was a pretty decent operation but let me just tell you what Arrowhead is.

Lake Arrowhead Estates, Inc. is a wholly owned subsidiary of Leisure Living Communities, Inc. of Bedford, Massachusetts. Other subsidiaries of Leisure Living Communities, Inc. is Sebago Lake Shores of Standish and Maine Line Island in Wisconsin as well as New England Properties, Inc. which owns a subdivision in the Gunstock Area in New Hampshire. Most of Arrowhead Estates assets are pledged as collateral in demand loans between Leisure Living and the First National Bank of Boston. All of Lake Arrowhead Estates expenditures are financed from the loan and all funds are collected by the company and used to pay off the loans. Now Arrowhead is not the nice, decent, clean company that probably some of you thought it was, including me.

On October 1, 1971 the Connecticut Real Estate Commission stopped sales by Lake Arrowhead Estates in that state, on November 17, 1972, Connecticut allowed sales to resume but only to resell customer lots. A year later, Connecticut allowed unrestricted selling once again. That's one instance and there are at least six more that are similar to that, where Arrowhead has been prohibited, through courts and other action, from selling the land that they owned, simply because they wouldn't comply with the law in a lot of areas.

Now, I know that almost everybody in the House has been lobbied on this issue, one way or another, and I know that some of you have made commitments and I would suggest that if you have and can't be released from those commitments, honor the commitment and to me a commitment is one time, one vote and I hope it is to you.

The Saco River flows through 22 towns in York County, and out of those 22 towns, every representative and senator, who lives along the banks of that river is in favor of Report "C" with the exception of one person, now that should tell you something. Saco River, as you know, supplies water to the Biddeford-Saco Water Company and I think it is quite vital that that river is kept clean for that reason, if for no other.

Ladies and gentleman, I would urge you to support Report "C".

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of Report "C" and would like to explain some of my reasons and also some

of my background in relation to this whole issue.

Before I got into elective politics, I worked for a couple of years to try to get the Saco River Corridor established. I was hired to draft the Saco River Corridor legislation and when the commission was set up, I worked as a counsel to the Saco River Corridor Commission. When I decided to run for the legislature I resigned from the Commission as counsel so as to avoid any conflict of interest. The Saco River Corridor Law was a major issue in my campaign and I have a deep concern for the future of the river and for the future of the corridor.

The situation that we are dealing with here is an enormous development on Little Ossipee River, it's fifteen hundred acres in size and when fully developed, there'll be 3300 house lots on that land right bordering the Ossipee Flowage above the Ledgemere Dam. If all of those lots, if every one of those lots is developed, the best information that we have indicates that because of the density of development we will have serious problems of ground water contamination and surface water contamination.

Now the surface water we are talking about is the Ossipee Flowage and the Little Ossipee River, the Little Ossipee River flows eight miles down to the Saco River and two years ago, the people in the Saco River area, got the state to spend a half million dollars to buy eight miles of river frontage on the Little Ossipee River that could be used as a wild area and for recreation and what we are talking about here is the question of whether that river is going to be polluted and whether that land is going to be greatly reduced in value for recreation and we are also talking about whether the Saco River, which the Little Ossipee flows into, is going to have the same problem. The Saco River flows down from the juncture of the Little Ossipee and it flows down into Biddeford and Saco and the people there drink it. The river is a completely unspoiled river in a most densely populated area of Maine and the development pressure in this area is enormous and if you put a little pin where everybody builds a new house or where there are a hundred new houses, you can see the waves of population moving up into southern Maine and the Saco River and the Little Ossipee and all these rivers are going to be engulfed in it unless these rivers are protected.

Now, Committee Amendment "C" has been worked out, it's a moderate compromise position but it has the support of the commission and of the people who have worked on this and I think that the members of this House who aren't familiar with this situation should go along with it. When I first got up here, I listened to Mr. Finemore and he said that whenever there was a Little Aroostook County Bill those of us in the southern part of the state ought to support it and I have been voting for spruce budworm spraying and long logs and I don't know what else on that principle and I would urge those of you who are in this House to vote with the people who live in this area because its us and its our children and its our grandchildren who are going to have to live with the problem that is created if this House Amendment "C" is not adopted.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill

and you may ask why someone from Nobleboro would be sponsoring a bill on the Saco River Corridor, and I will briefly give you background because one of the statements made by the good gentleman from Rangeley, Mr. Doak, actually brings me up to date as to why I should speak on this bill when he said we commissioned this commission or whatever it is to do a job and I submit to you that we did not commission the commission to do the job and I want to explain a little bit of the history on this thing because what has been said to this point is very fair and I appreciate those remarks and I am standing here, really basically, on a matter which I think is a matter of principle.

Now, these people regardless of what you may think of them, what their assorted history may be and I could not argue with you one way or the other as to what kind of people they are at all, the fact of the matter is that people, this particular development, was approved by both the towns and the State of Maine prior to the passage of the bill which created the Saco River Commission so, in other words, I have before me here, section after section of plans which these people submitted both to the town and to the state, all approved and every one was approved prior to the passage of the bill which created the Saco River Commission. All I'm saying is this, that where does a person go, be it an individual or corporate entity, if, when he starts a development, be it industrial, residential or vacation, if he starts a development, follows the rules, the guidelines, the laws of the day and then half way through the ballgame, the law changes, the rules change and he is asked to change. I submit to you its a financial burden, I don't care what the person is and I say we are not talking just about a parochial issue here for those people in the Saco River Corridor. I appreciate their attitudes and I certainly applaud them for what they are trying to do but I think right here we are creating a precedent which is going to come back to haunt us for a long time to come because I can see, time and time again, a creation of new commissions and those commissions will then superimpose their authority on laws which have already been made and people who have made their plans, people who have done their doings, will find that half way through the ballgame, things have changed. Now that is exactly what this bill addresses itself to and that's why I am involved in it, not because I have any particular problem with the Saco River Corridor Commission and not because I come from a different area of the state. I am worried about the problem. The fact that we can do this, now I happened to have been on the Committee of Natural Resources when this commission bill was passed and one of the doubts that we had at the time and I'm sure that those who were on the commission will at least verify this was that by superimposing this new commission on the existing law, were we not then changing the rules in the middle of a ballgame for an awful lot of people and we were assured no, that we weren't, that everything was going to be grandfathered. Now these people were in there then and they had developed their lots and they had their plans, their plans were approved and now we are going to change it. I'm just simply talking to you on the basis of basic honesty and basic fairness, it doesn't seem to me that we should, as a legislature, applaud that kind of a move. It

has nothing to do with the good work that the Saco River Commission is doing, it has nothing to do with the fact that the people there want Report "C" but what it has to do with is simply the fact that we, if we take Report "C", if we do not let these people get grandfathered then certainly Report "A" is reasonable because it does call for single family residences and they will have to be approved by the State Plumbing Code. I just say that's about all that can be said, simply asking "is it right and would it be right in the future if we were to pursue this same kind of course?" I don't think it is and so I hope that we report Report "A" out as "Ought to Pass".

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

Mr. HOBBS: Mr. Speaker and Members of the House: The Saco River Corridor Commission and the bill and river is very dear to me because the town I represent is the name of Saco. There are two main reasons why when I first got up here, I instantly opposed this legislation and I will explain why.

The two main reasons were because I thought this would weaken the Saco River Corridor concept, the second reason is because of the character of the Arrowhead Development Corporation and the accounts I have received about the abuses in business dealings, but after talking with my seat mate, Mr. Wilfong and members of the Saco River Corridor Commission, I think the Committee Report in Committee Amendment "C" is a workable compromise and I think it is one that is acceptable, not only to me, but also to the Saco River Corridor Commission and the people who live on the river. I think this Amendment "C" would allow a balance, a balance between orderly development by Arrowhead and also the protection of the resources of our river. Now I hope this House this morning will adopt Committee Amendment "C" because I think it's a workable compromise and one that will be acceptable and will insure the orderly development of the Saco River.

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

Mr. HALL: Mr. Speaker and Members of the House: I am in a very awkward position. When I signed Report "A", I made known to the committee that it was a bad thing to vote on either side unless you had a chance to look at it but because of the very reasons that Mr. Palmer gave, that is the reason I went on and voted for Report "A" because I feel very strongly that the people who have bought these lots beforehand had the right to develop them if they were within their laws of the plumbing code.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up again, however, I'd like to just address one point to the gentleman from Nobleboro, Mr. Palmer, who told us about and he mentioned that Arrowhead was under a financial burden. Well, in six months, ending June 30, 1974, Lake Arrowhead Estates received \$802,000 and spent \$316,000 leaving a surplus of \$486,000. Of this amount, \$446,000 was cashed, transferred to Leisure Living Communities, Inc. and affiliated company. The affiliated company and the amount transferred to it are not specified elsewhere in the source document but it is clear that income from Lake Arrowhead is being funneled into other subdivisions of Leisure Living. Now, I guess you have to

ask yourselves a question: "Is Lake Arrowhead Estates being hurt by the Saco River Corridor Law, the minimum lot size law, or the site selection law, if they can afford to pour money into other subdivisions of Leisure Living Communities, Inc. of Bedford, Mass.?"

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I believe that Mr. Berry is very skillfully leading you away from the point of this legislation by casting aspersions upon the people who are involved and, that to me, is not the point.

I agree with Mr. Palmer in that these people when they bought these lots or established them before, thought that they were grandfathered by the Saco River Commission which came along after they bought the lots and that's why I believe that they should have the right to build on those lots according to the rules that were in effect at that time, that's the whole point. The people bought these lots, the people bought three or four lots, thought they'd be able to build on them later on, the Saco River Corridor Commission was created, it created its own rules pertaining to those lots which prohibited the people from building on all of them, it required that they would combine them and build on one. I find this sort of humorous, we have a couple of vocal members of our committee, Mr. Doak and Mr. Hall, and I would like to say it has been most enjoyable this session to work with them but one of Mr. Doak's biggest complaints has been that the bureaucrats changed the laws that legislature passes, and this is a perfect situation where the commission has changed the law that the legislature passed at the last session.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I rise as a former member of the Natural Resources Committee for two sessions at which time and in the original time that the folks came in that were concerned in forming the Saco River Commission, we, on our committee, heard them and at that time there were many on the river who were very much concerned with what and where and how of this commission when it was formed. There were equally divided feelings at that particular time so we said "well, folks, why don't you go back home, come in with your plans and we will assist you and try to get this commission set up." At that time, I think many of us were fearful that these very things which are happening now are happening, because in the 106th legislature, the Saco River Commission was formed. Since then, these folks have been funded by the state legislature and there is question this year whether or not this would be permanent funding or just a one shot deal. Now we are in a situation and I just feel that it is my duty here to read something that was written, an amendment that was offered to the Saco River Commission at a time in the other body on May 21, 1973 so I am going to read to you an amendment which was offered at the time by one of the gentlemen who is no longer with us in the other body because they were fearful that this situation would arise, so I would like it written into the record for information here today.

This legislative intent is suggested, there are two sections of the bill section 24 and section 23 which deal with variances and performance standards. I believe that

the purpose of this legislation, and it is my intent as a sponsor that any person owning a building lot of record within the corridor on the effective date of this act shall be able to obtain a variance for the construction of a single family residence on his lot, subject only to such reasonable conditions as may be established by the commission and that in all events every effort be made to grant to the owner of a lot of record, the right to build a single family dwelling without any unreasonable limitations on his right to do so.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: Forgive me for speaking twice in the same day, I'm not in the habit of doing that and I may have to speak once or twice more today so bear with me, please.

There is one other thing that I am concerned about and not only the commission, the environment, but I am also concerned about the people who are going to be purchasing these lots, building on these lots if this Amendment "C" is not adopted, this could happen sometime down the road approximately four to five years from now, I wouldn't be able to guarantee it and I have no documented proof of it, but to the best knowledge and the best ability of the soils conservation people and all of the environmental people and such, it is pretty well designated that that water is going to be polluted or degraded by affluent from septic systems. Now, let me tell you what can happen in an instance like that. These people who have built in this, all in good faith and figured they've got a nice family home and its going to last them the rest of their natural born days, they've invested a good amount of money in this, it's a good community they are living in but all of a sudden, someone going down that river, canoeing or fishing or whatever may happen determines, I guess the waters looks a little bit cloudy and we better have it checked, so they call the Department of Health and Welfare and the sanitary engineers go down and they take samples of water and they declare that water polluted from septic tank affluent and they check it out and they find out where it's coming from and just suppose that it is coming from this development and I suspect that it will be because of the types of soil that they have there and the density of the settlement that is going to be established at some time in the future, what happens then is they mandate that this situation will be cleaned up.

Well, if the soil has handled it for four or five years, it is completely permeated and polluted to the point where it cannot accept any more no matter if you dig another hole in another place so the only solution to their problem then is to go into a collective system and a sewerage treatment system and coming from Rangeley, I am going to tell you that sewerage treatment systems are rather expensive these days, we are just finishing the third treatment of ours and I know what it costs. Now, these people and I asked the gentlemen who are proponents of the bill for the full development of this, the lobbyists and I don't say that in a bad term, I like the lobbyists and I have no complaints at all, I use them and they are very intelligent people but I asked them this question and they winced just a little bit because the only answer they could give me would be, the people that were in that particular area in that development which Arrowhead and all the rest is all out by

now because it's all sold out and these people are going to be saddled and these communities that are adjacent to this community they are in, are going to be saddled with the responsibility of putting in a sewerage treatment plant, and I suggest to you that the reason perhaps that I am speaking in the manner in which I am speaking is that I am concerned about these people who are investing in this and who are building there, and who want to make their family home there and I am concerned about them having to face this expense down the road with nobody, the developer, or anybody else to help them finance it outside of federal and state.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I listened to the sponsor and the proponents of this bill speak very eloquently in defense of the people who had bought property here and wish to develop it and in defense and in fairness to them, in extending grandfather rights to them, so-called, I think the issue here, listening to both sides is clearly a one of considering not only the grandfather rights of property owners but the rights of the grandsons and the grandchildren and all the ensuing generations to have an environment that is fit to live in and I would strongly support Report "C" and hope we can get on to other business.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I was here in the 104th when we established this Saco River Corridor. Now, at the present time, I'd like to speak to you for a few moments on what the Department of Fish and Game is doing in conjunction with the federal government.

We have a salmon hatchery at Green Lake, north of Ellsworth, which will go into operation this coming year. The Saco River is one of those rivers selected in Maine for the repropagation of the Atlantic Searun Salmon and was noted for it in the older days. This is a program which started up at the Canadian border by the federal government in conjunction with the state, it has traveled down the coast now to the Saco River, it's going into the Merrimac, the Ipswich, and the Connecticut Rivers. The programs are being worked on now.

I am not going to comment one way or the other on this thing, simply to remind you that if this river becomes contaminated, that the program for restocking this river and making it operation-wise feasible for their restoration of the Atlantic Searun salmon, will cease to be and all that federal money will disappear.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I want to respond just briefly. I think that what we had developing here this morning is a two-prong attack which really doesn't address the problem here at all and I want to just see if I can't capsule this whole thing at the moment. First of all, there have been attempts made here to drag the character or the business tactics of the people at Lake Arrowhead into this debate. That has nothing to do with it at all. I don't know them and I don't care to know them, I am just simply saying that we are talking about a basic fact.

The fact that there were people who originally developed Lake Arrowhead who were, perhaps, bad cats, I don't know, people say they were, I will accept that. I don't think though that those who are working with the development today are considered to be in the same vein. It reminds me a little bit of the Old Testament admonition, I guess the prophet said, "The fathers have eaten sour grapes and the children's teeth are set on edge". This is supposed to mean that if the people who first started the development were bad, all people in the future are bad. Now, I submit to you that that is just exactly correct and I don't think it has one thing to do with the debate here this morning, how bad or how good the people were who did develop the thing, the courts can take care of that and the attorneys can take care of that, if they are sued by the people, if they are that bad.

The second thing is, the pollution factor, and we are being frightened into the fact that we will now pollute the Saco River. I submit to you people that this development was approved by this state before we ever had the Saco River Corridor Commission. If that possibility existed, why would BEP give their approval before the commission was ever formed? I think it is just that simple and I don't think we can come in later on and say, now, we are going to superimpose our judgment on a law already, what the towns have said and what the state has said. I think as a principle, it is very bad to follow, if we do it here, we will do it some other place. You get to a point where no one will know what laws they are living under, they will live under one law one day, the next day we will create a commission and change it all. You may have to move your house.

I think it is a very simple matter. I don't think if this state felt that it were going to do that much damage to that area, that they would ever have approved Lake Arrowhead Estates in the first place but they did and then we as a Legislature moved another commission in, which then moved in and changed the game, changed the name of the game in the middle of the ballgame. That is why I say we should go along and defeat Report C and pass Report A.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I want to endorse the Representative from Nobleboro. I served on that Natural Resources Committee with him several times and you will probably notice that I am for the "A" Report and he has covered what remarks I would say very well and I don't want to be repetitious, but I would hope this House will vote for Report A.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I am not concerned so much about the reputation of the company involved, I am concerned about the quality of the drinking water. At the present time, it is my understanding that Old Orchard, Saco and Biddeford do draw their drinking water from the Saco River. In the future, it is anticipated that other communities such as Kennebunk and Wells will be drawing their drinking water from this same source, so my concern really is with the source of drinking water, and I believe the Report C provides the minimum acceptable standards to protect this source of drinking water.

The SPEAKER: The Chair recognizes

the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief and I will address myself to a memo that was addressed to me as House Chairman of the Natural Resources Committee from a Kenneth G. Stratton, Soil Scientist, Soil and Water Conservation Commission, who is held in rather high esteem in the York County area. Here is the substance of this memo and I wish you would listen carefully. "I hope this memo will serve as a summary of my statements on L. D. 1401 made at the public hearing. I opposed L. D. 1401 from the standpoint of soil conditions within the land area of concern. I have visited Lake Arrowhead Estates and checked soil conditions which exist along the shoreland area. Basically, all of the soils are of a very rapid, permeable, sand and gravel type. Many of these areas had high water table conditions in the soils. Such soil conditions allow septic tank effluent to move through them rapidly and with little or no treatment. With the density of development that Lake Arrowhead Estates would desire" — editorially they proposed to build 3,200 house lots someday. That is a rather dense development. "With the density of development that Lake Arrowhead Estates would desire contamination of both ground water and surface water is, in my opinion, a certainty. In our latest revision of the soil suitability guide for landuse planning in Maine," (that is this little gem right here, "Cooperative Extension Service, University of Maine in Orono, Soil Suitability Guide for Landuse Planning in Maine for Agriculture, Urban, Industrial, Recreational, Forest, Wildlife Habitat, it has been done in conjunction with the Maine Cooperative Extension Service, Maine Soil Water and Conservation Commission, Soil Conservation Services, U. S. Department of Agriculture) "the soil ratings I have just mentioned seem to be in conflict with the State Plumbing Code, which would allow the smallest and least expensive systems to be placed on the sand and gravel soil, but this is just further testimony to the very rapid permeability of such soils.

"Also, the plumbing code represents a set of engineering techniques for getting waste into the ground and does not address environmental aspects. L. D. 1401 would prevent the attempts of the Saco River Corridor Commission to lower the density of development along Lake Arrowhead. I believe the density of development on the soil conditions I have mentioned should be lowered to help prevent excessive contamination of both ground and surface waters."

In other words, the soil conditions along this, there are nine sections as I understand to this Lake Arrowhead Development, we are only concerned with one section, 400-some-odd houselots along the corridor. We have a person from Soil and Water Conservation who says that after investigation, onsite investigation, that the soils are rapidly permeable, and in his opinion, if this proposed density were allowed to occur, there would be pollution of the ground water and surface waters.

Committee Amendment "C" is addressed to resolve this particular issue. It says that if they want to put in a collective sewer system, they can do it and if they do it, they build on every house lot, but if they want to build on individual houselots and put subsurface sewerage

treatment systems, then you have to consider density because this soil is rapidly permeable, that means your waste goes right through the soil. He also mentioned in the same report that the ground water level is very high and therefore it would be polluted.

So, Committee Amendment "C" gives discretion to the Saco River Corridor Commission once the density becomes such that is going to pollute the ground surface waters, then they would have to require that no more houses or the lot size be made much larger so we don't have pollution of surface and ground waters. That is all Committee Amendment "C" does. It allows the building of homes along the Saco River Corridor, but do you want to allow that water system to become polluted? If it becomes polluted, it is not the developers of Lake Arrowhead that is going to have to foot the bill for a sewerage system, it is going to be the owners of the property and the citizens that reside in those communities in which this development is located. Believe me, this kind of density of population is going to be expensive once the problem arises.

The scenario of this thing is very involved. It would take hours to go through, but the committee, actually, at one time eleven members had signed the "Ought Not to Pass" Report. I had 11 signatures on the "Ought Not to Pass" Report on this bill, then I had about 10 signatures on Committee Amendment "C". In fact, I had a unanimous compromise, but then the lobby works and the signatures shift. This is one of the most highly lobbied.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault. For what purpose does the gentleman rise?

Mr. AULT: Personal privilege.

The SPEAKER: The gentleman may state his point of personal privilege.

Mr. AULT: Mr. Peterson asked us to sign that "Ought Not to Pass" Report.

The SPEAKER: The gentleman is debating the issue.

Mr. AULT: No sir, I am not. I want to explain the reason. He told us to sign the "Ought Not to Pass" Report because he knew if we didn't kick that bill out on 17-A, the bill, in its original form was coming in here. This was his argument for signing that report and he also said that he would not bring that subject up on the floor of the House.

The SPEAKER: The Chair would advise the gentleman from Wayne, Mr. Ault, that it is highly improper for me to determine what was said inside the committee since obviously the Chair was not present, even though sometimes he wished that he were.

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

Mr. PETERSON: Mr. Speaker, I am just stating the facts of this scenario.

The SPEAKER: Would the gentleman just restrict his remarks to the bill?

Mr. PETERSON: All of this is relevant, sir. What I am saying is that this is a very highly lobbied issue and I agree with the gentleman from Nobleboro, Mr. Palmer, that we ought to address the issue and the issue is, if we grandfather this whole development and we accept Committee Amendment "A", we do not consider the density of population which is proposed. The plumbing code does not consider the density and from people from Soil and Water Conservation say that the soils in that area cannot handle that density of population, so it is an issue of whether you want to pollute the ground water or

whether you want to go with the plumbing code, which does not consider the density and jeopardize that whole corridor and that whole river. I think that is the issue, I don't think finances is, I don't think what happened in committee is, but I think it is important to understand all the aspects of this issue. I think when we understand the importance of it, whether we are going to allow that area to take the chance of becoming polluted, and they already say that the water quality has been lowered from algae growth already in that river from this development, the question is, do you want — and at the hearing only in-state residents, every one of them opposed this proposed bill. The only proponents to this bill were out-of-state residents. I have received a lot of correspondence on this from in-state residents from that area, they all oppose this bill, every letter that I have received, and they come from far and wide. So please consider it. It is a serious issue and I hope that you will decide to support Committee Amendment "C".

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: if it is in order, I make a motion that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would rise to oppose the motion that this be indefinitely postponed.

I believe some modification of the law is necessary and I think that House Amendment "C" does what is there. I am a great admirer of Mr. Palmer and when he speaks, he reminds me of Davy Crockett, who said, "First be sure you are right, then go ahead" and when he had a problem in Wiscasset, which was a basic issue of fairness, I voted with him. I think that on this bill, we do have a basic issue of fairness and I think, believe me, if the people of York County could return this area to the state that it was originally in, they would, but that is not the issue here. The problem is that this development is there and we have to realize it is there and we have to deal with it in a fair and equitable manner. I think the indefinite postponement of this bill would not do that, and I think House Amendment "A" would not do that, but I think that House Amendment "C" is fair.

What the situation is, as far as the grandfathering is concerned, under the Saco River Law, anybody that bought a lot is entitled to a variance to build a house. They have the right to build a house on their lot and a lot of these lots have been sold, something on the order of 2000 of these lots in this development have been sold and the people that have bought one lot are going to be able to build a house on it, according to the Saco River Law, regardless of the condition. They still have the plumbing code to contend with.

Some of the areas have not been fully developed and the lots haven't been sold off and with the density that there is in the rest of the development, what we are trying to do and what I am trying to do is to allow them to go ahead but only, and this is the critical issue here, I think, on lots that are other size which will give us some assurance, if not complete assurance, that the water quality of the Little Ossipee

River and the Saco River will not be destroyed.

I think that the indefinite postponement is the improper course. The strongest environmental types on that river have been asking me to kill this bill since it first got in here and I don't think that that is the right thing to do. I think we need some modification, but I don't think that we can completely exempt these people from the requirements of this law because if you do it, you are destroying a river and I think they have the right to develop but where their rights stop is where they are going to be destroying this resource that we have to live with and that we have to live on.

I oppose indefinite postponement, but if it comes to Committee Amendment "A", I will make the motion.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I want to oppose the motion to indefinitely postpone. Whether you believe the gentleman from Standish, Mr. Spencer, or me, with Report C or Report A, you are going to accomplish nothing by indefinite postponement because you are going to shuffle two problems under the mat. So, we should definitely not postpone this bill, we should face up to the issue.

I am going to say just one more thing and I want you to think about this one very carefully. What would have happened if the Saco River Corridor Commission had never been formed two years ago? What would be the big problem here today? The development was already in, had already been approved by the town and by the state, so I would ask you that question, what would have happened? It seems to me that that should answer the question right there because it never would have been approved.

As far as Mr. Stratton is concerned and Soil and Water Conservation, I don't know how much sampling he did, but my own information tells me very, very little, but regardless of what he did, I would remind you that in order for BEP to give approval to any project, they have to consult with Soil and Water before they do it, so obviously Soil and Water was consulted before the project was ever approved by the BEP back before the days of Saco River Corridor Commission.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I really appreciate the time, the effort, and the long hours you have spent in trying to come up with an answer to a problem that has plagued us no end since they started this development.

I would like to read to you the towns that are involved on the Ossipee, the Little Ossipee and the Saco River that I represent. We have the town of Parsonfield, the town of Cornish, the town of Newfield, the town of Limerick, where Arrowhead is developing, we have the town of Limington, which is below Arrowhead, which the state has just bought numerous acres of land for a state park, we have the town of Hollis and the town of Dayton. Now, I represent all of these towns, they are all involved in the Saco River.

You might think it is quite strange that George Carroll never put his name on this document. I suggested that they find another sponsor, they were very kind to me, they didn't press me one way or another

and I really appreciate it, but I also, at the very first meeting in the town of Limerick, when Mr. Simons, who owned the property at Lake Arrowhead, on the Limerick and Waterboro side, had the possibility to sell it, and I appeared at that meeting and I opposed this right at the very beginning. I almost was railroaded right out of the town hall. The answer I got was, do you realize this development is going to pay for our new schools? The development hasn't paid for our new schools, we are all paying for it, the taxpayers of the State of Maine and the citizens in the area involved.

I served on the Appeals Board in the town of Limerick. We have had zoning there a long time. We had an abandoned woolen mill that became involved in a poultry industry that was going to move in and they would have polluted also the Ossipee and the Saco so we zoned the town of Limerick. We were in a very good position when they came in, we already had zoning but our zoning has some loopholes in it. It was hurriedly adopted, we were in the courts a few times with this and there is a possibility someday that it will be thrown out.

I met with this committee, I suggested that they go down there to travel over this area, to look at it from the air and approach it from the ground and really look this area over, but it was not possible for them to do so. In view of that fact, I recommended Amendment "C". I recommended it after consultation with many people. My son happens to be a person who studied geology for four years and he is working in the area of soils at the present time, he is working for an engineering firm and he is also in business with us at home. I went home the other night and I asked him if he would call Mr. Spencer and discuss this with him and they had a long conversation on this, and he suggested to me that Amendment "C" was a compromise amendment, that it was a fair amendment and he felt that this was the one. I suggest to you, as a representative who represents all these towns and you have heard that saying "D if you do, D if you don't", well, I am in that position and it is a very hard position to be in.

I want to be fair with Arrowhead, I want to be honest with them, but I want them to be fair and I want them to be honest with me and with all the lot holders and so I recommend Amendment "C" and I do not recommend indefinite postponement. I feel you have a responsibility here today to face up to and that you certainly should vote for Amendment "C". I think it is a fair amendment, I think it addresses the problem and I think it actually grandfathers in a manner that in the future we are going to have not only a corridor on the Saco River but you are going to have a corridor on the Kennebec, you are going to have a corridor on the Androscoggin because if you don't have these corridors, ladies and gentlemen, you are going to have polluted rivers. We must have corridors but we must have corridors that are willing to work with the people involved, that are willing to compromise with the people.

Arrowhead people came to me a while back and wanted to discuss it with me and I suggested that they write me a letter because I felt that in a face to face consultation, it would be impossible for us to discuss the subject because sometimes we do get off the subject matter. I suggested to them then that if they came down here for this legislation that they

come down here in their hearts willing to compromise, to compromise for the sake of themselves, the lot owners and all the people involved on the Saco River Corridor, and I would urge you here today, and deep in my heart I think it is right, if I didn't, I would stand up here and go the other way just as quick, that Amendment "C" addresses itself to the subject matter properly and I would urge you to vote for it.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't planned to speak on this issue today, but a number of members have mentioned that they were members of the Natural Resources Committee in the last legislature and they were in support of Report "A". I was also a member of the Natural Resources Committee in the last legislature and I support Report "C".

The gentleman from Nobleboro, Mr. Palmer, mentioned the fact that state approval had been given to the Arrowhead project. It is my understanding that most of the sections of the Arrowhead project were approved, not by the state, but by the local towns before we had a site selection law. I understand that the one section that was approved under the site selection law was a requirement that it must have a sewer system, and I understand that there was also approval by the town of Waterboro, the night before the minimum lot size bill came into effect. To answer the question that the gentleman from Nobleboro posed of what would happen if there had been no Saco River Corridor Authority, I think the answer is that the river would have been polluted because the Arrowhead project was one of the projects that came in and caused so many environmental problems that we did pass many of the laws that we have today.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion to indefinitely postpone because I still support Report "A". The motion to indefinitely postpone is the equivalent of accepting Report "C" and I want to tell you why that is.

The amendments were all written the same in the beginning except for the last sentence. On Report "A", it says if any body — both Amendments say that a variances will be provided to anyone that wants to build a single-family residence on a lot if he ties into a construction of an approved community sewage collection system. Fine, that is in all the amendments but the last thing it says in Report "A", if an approved sub-surface sewage disposal system if to be used a septic tank, it shall meet the state plumbing code. Report "C" says that if approved subsurface sewage disposal system is to be used, the proposed builder or the owner of the lot has to prove that system will not contaminate the grade ground of surface waters in or on the land in question or adjacent thereto and I don't know how anybody who puts in a sewage system is going to prove that it is not going to pollute who knows where down stream from him, so I honestly believe if you accept Report "C" nobody is going to get a variance and be able to build on his lot.

I urge you to defeat the motion of indefinite postponement, to defeat acceptance of Report "C" and accept Report "A".

The SPEAKER: The Chair recognizes

the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: The reason for my motion on this is that we have batted this bill around for weeks down here and we would listen to one group one day, the proponents and the next day we would listen to the opponents and no one seemed to know what they wanted, they couldn't seem to come to a real decision and they never did. It is hard to satisfy both groups, and yet we try to pass bill that would force towns, etc., that work on town ordinances and town planning boards, they have to make a decision in a week or ten days, people sponsored bills here, and I think it is up to 30 and 60 days right now. We couldn't come to a decision and the people down there have been working on this for years and they can't come to a decision, but I will, if it is in order, withdraw my motion to indefinitely postpone.

The SPEAKER: The gentleman from Orland, Mr. Churchill, now withdraws his motion to indefinitely postpone. The Chair will order a division. If you are in favor of accepting Report "C" you will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Doak of Rangeley requested a roll call.

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

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

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

Mr. SUSI: I would like to pair with the gentleman from Enfield, Mr. Dudley. If he were voting he would vote yes; I would vote no.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: As the director of three institutions on the Saco River, we are deeply concerned with the future of this river and hope you will accept Report "C".

The SPEAKER: The Chair recognizes the gentlewoman, Mrs. Tarr from Bridgton.

Mrs. TARR: Mr. Speaker, I would like to be excused from voting because of a conflict of interest.

The SPEAKER: The gentlewoman from Bridgton, Mrs. Tarr is excused from voting pursuant to House Rule 19.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. I am quite concerned with this also, because part of my district is served by the Saco Water District. I would like to pose the question, and Mr. Palmer has answered the fact that this development was given BEP approval originally, the question that I haven't heard answered yet is, what is the status of the BEP on the issue at the present time? There seems to be a lot of controversy over the fact it is going to pollute the river, it definitely is going to pollute the river. Some soil scientists or whatever, as Mr. Peterson has said, it is going to definitely do that and the question is do we want to pollute the river? Of course, we all don't want to pollute the river but is there any

controversy, has the BEP stepped in now and said they made the wrong decision or what is their status on the bill at this time?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I might just refer back to what the Department of Environmental Protection stated when it reviewed Section 9 of the development and it is the only section affected by the site selection law. It found that the soil suitability and I quote "Soil suitability map prepared by the Soil Conservation Service, the United States Department of Agriculture, indicated that approximately 75 percent of the soil present has severe to very severe limitation for septic disposal, site location application," and I have the number, etc. Does that answer your question, Mr. Higgins?

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Those who have committed their votes previously, I would just like to suggest that you have honored that commitment, a commitment is a one-time thing. I suspect now you are free to vote the way you would like.

The SPEAKER: The pending question before the House is on the motion of Mr. Peterson of Windham that the House accept Report "C". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, P. P.; Blodgett, Bustin, Call, Carroll, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Dam, Davies, Doak, Dow, Farnham, Finemore, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hewes, Higgins, Hobbins, Hughes, Ingegneri, Jackson, Jalbert, Jensen, Kany, Kennedy, LaPointe, LeBlanc, Leonard, Lewis, Lizotte, Lovell, Lynch, Mackel, Mahany, Maxwell, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulhern, Najarian, Peakes, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Saunders, Snow, Snowe, Spencer, Stubbs, Talbot, Theriault, Tierney, Truman, Twitchell, Tyndale, Usher, Wagner, Webber, Wilfong, Winship, The Speaker.

NAY — Ault, Berry, G. W.; Berube, Birt, Boudreau, Bowie, Burns, Byers, Carey, Carpenter, Carter, Churchill, Conners, Cote, Curran, R.; Curtis, DeVane, Durgin, Dyer, Farley, Faucher, Fenlason, Flanagan, Gould, Gray, Hall, Hennessey, Hinds, Hunter, Hutchings, Jacques, Joyce, Kelleher, Kelley, Laffin, Laverty, Lewin, Lunt, MacEachern, MacLeod, Martin, R.; McBreairty, Nadeau, Norris, Palmer, Perkins, T.; Peterson, P.; Rideout, Rollins, Shute, Silverman, Strout, Teague, Torrey, Tozier.

ABSENT — Drigotas, Immonen, Kauffman, Littlefield, Martin, A.; McKernan, Smith, Sprowl, Walker.

PAIRED — Dudley, Susi.

EXCUSED — Tarr.

Yes, 83; No, 55; Absent, 9; Paired, 2; Excused, 1.

The SPEAKER: Eighty-three having voted in the affirmative and fifty-five in the negative with nine being absent, two paired, and one excused, the motion does prevail.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side I now move for reconsideration and would hope that you all would vote against me.

The SPEAKER: The gentleman from Stow, Mr. Wilfong, moves the House reconsider its action whereby Report "C" was accepted. All in favor of that motion will say yes; those opposed will say no.

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

Thereupon the Bill was read once. Committee Amendment "C" (H-627) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage: (H. P. 1674)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is directed to report out a bill to take action to enable the Department of Mental Health and Corrections of the State of Maine to fill staff vacancies resulting from the "freeze on hiring" that have caused hardships at State Institutions.

The Order was received out of order by unanimous consent and read.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am really pinch hitting for the gentleman, the House Chairman of the Appropriations Committee, the gentleman from Dover-Foxcroft, Mr. Smith, who has to be absent temporarily. I have checked this order out with the leaders of both parties and they agreed to it and I move for its passage.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: With the passage of this order, later on today when the order comes up that I had sponsored earlier this week, this will take the place of that order. I would hope that each one of us here, in fact, everyone here, could support this because this will take away the problem that the Pineland and Bangor Mental Health Institutions have been faced with the problem of staffing.

Also, while I am on my feet, I would like to mention to the House members that I had had distributed to each member a white booklet, this size, and it is called Deinstitutionalization in Maine. This is a very comprehensive study that was done in the various institutions in our state, mental health and Pineland and I would like to suggest that you read this over the weekend so you can become more familiar with the details and with the problems the institutions are facing. Each thing in this book has been well documented and checked out. I would hope that we would give unanimous support to this order that Mr. Jalbert has introduced.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In view of the distinguished sponsor and the fact that he relates that leadership on both sides have approved this measure I certainly am not going to oppose it. I also would like to have you read the order that the gentleman from Skowhegan submitted to us about a week ago and give it some consideration before this bill ever comes back because I think we are being asked to eject ourselves

into the middle of a labor dispute. I would recommend the close reading of the order submitted by the gentleman from Skowhegan.

The SPEAKER: The pending question is shall this order receive passage. All in favor of passage shall vote yes; those opposed will vote no.

A vote of the House was taken. 89 having voted in the affirmative, 50 having voted in the negative the order received passage.

Sent up for concurrence. By unanimous consent ordered sent forthwith to the Senate.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act to Clarify the Laws Relating to Municipalities" (S. P. 236) (L. D. 815). — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-231).

Tabled — (Tabled Till Later Today) June 4, by Mr. Dam of Skowhegan.

Pending — Adoption of Committee Amendment "A".

On motion of Mr. Rolde of York, retabled pending adoption of Committee Amendment "A" and specially assigned for Monday, June 9.

The Chair laid before the House the third item of Unfinished Business:

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)

Tabled — (Till Later Today) June 4, by Mrs. Clark of Freeport.

Pending — Passage to be Engrossed as amended.

On motion of Mr. Rolde of York, retabled pending passage to be engrossed as amended, and tomorrow assigned.

The Chair laid before the House the fourth item of Unfinished Business:

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

Tabled — June 2, by Mr. Rolde of York. Pending — Acceptance of the Committee Report.

The SPEAKER: The Chair recognize the gentlewoman from Machias, Mrs. Kelley.

Mrs. KELLEY: Mr. Speaker and Members of the House: I had an amendment that I was going to present this morning on this. It has been passed out but I find that there is an error in it. So, I would appreciate it if somebody would table this for two days.

On motion of Mr. Lynch of Livermore Falls the Report was accepted and the Bill read once. Committee Amendment "A" (H-501) was read by the Clerk and Adopted the Bill assigned for second reading tomorrow.

The Chair laid before the House the fifth item of Unfinished Business:

An Act Concerning the Registration and Operation of Snowmobiles (H. P. 845) (L. D. 1030)

Tabled — June 2, by Mr. McBreairty of Perham.

Pending — Passage to be Enacted. On motion of Mr. McBreairty of Perham, under suspension of the rules, the

House reconsidered its action whereby this Bill was passed to be engrossed.

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

House Amendment "B" (H-641) was read by the Clerk and adopted, the Bill was passed to be engrossed as amended by House Amendment "B" and sent up for concurrence.

The Chair laid before the House the sixth item of Unfinished Business:

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

Tabled — June 3, by Mr. Finemore of Bridgewater.

Pending — Passage to be Engrossed as amended.

On motion of Mr. Finemore of Bridgewater, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted, and on further motion of the same gentleman Committee Amendment A was indefinitely postponed.

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

House Amendment "B" (H-640) was read by the Clerk and adopted.

Mr. Susi of Pittsfield moved indefinite postponement of the bill and all accompanying papers.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I have the feeling that up to now we have just seemed to be unable to gather what the scope and the probable impact of this bill is. I think that we have somehow taken the notion that this is to encourage new small industries and all. Actually I am thoroughly convinced that this will wind up being a loophole for our largest industries whereby a high percentage of the income tax would wind up not being paid under this. If it is the desire of the legislature to exempt our industry from payment of income taxes, I think there should be a bill that says that and it should be that in the title and then we should clearly understand that is the case and not allow it to happen through such a bill as we have here.

To contradict the notion that seems to be prevalent that this is to encourage small industry, the amendment that we just adopted here would permit up to \$50,000 in payment of Maine Income Tax for any one year for one of these companies. Well, a company subject to a Maine Income Tax would have to earn about three-quarters of a million dollars to generate a \$50,000 income tax liability. I hope that you get the significance of this. This is big business we are talking about and if you want to exempt Maine industry from the income tax, fine, but let's do it right forthrightly.

It describes a product here which has not been produced on a commercial scale in this state within the preceding two year period. I asked the director of our income tax division to get this bill and the amendment and get acquainted with them and to give me a reaction to it. On this point, in definition of a new product, he says an example could well be a company such as Sylvania that manufactures starters for lightbulbs. These starters are sent to a Massachusetts plant for assembly with other items manufactured elsewhere. The Waldoboro plant could easily change to manufacturing filaments for two years and then revert back to starters. Well, any industry, in our state, to my knowledge,

would be able constantly to have new products as their production and so all the time be subject to exemption from the Maine Income Tax.

Something else that comes from the Director of the Income Tax Division, he refers to the part of the bill where it says the portion of said Maine net income allocable to the production of a certain product, this could cause a problem where a corporation now in existence was manufacturing three different items and decided to add a new item not previously produced in Maine. In this case, it would be necessary to determine what portion of the Maine net income was allocable to the new product. I would assume the state would have to accept any reasonable breakdown of this product. It also is possible a separate distributing corporation could be set up and the four items could be sold to this corporation with the three original items sold at a very low profit and the new item at a high profit and be perfectly legal in doing so. So, any company could put a disproportionate share of its earnings allocable to the so-called new items which would be replenishable every two years. Let's not kid ourselves, this is a bill that could deprive the State of Maine of a high percentage of the corporate income tax which we now receive. If that is what you want, if this is the way you want to go about it, then vote for the bill, if not, I would suggest that you vote for the indefinite postponement of the bill.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: You have just heard a whitewash that didn't know what he was talking about. I mean he didn't know what he was talking about. Excuse me, I am trembling because I have an ulcer this morning, if I can get that cured, I will quit trembling but if he had read the amendment, he wouldn't have made the statement he made.

The bill says a corporation will be entitled to exclude from its Maine net income, \$50,000 not Maine Income Tax as the gentleman has just started, not the Maine income tax \$50,000 but \$50,000 of his net income, which would be on the basis we have now which would be \$5,000 a year. Would these big companies these gentleman just mentioned be interested in \$5,000 a year, the first year? Would they be interested in \$2,500 the second year? Would they be interested in \$1,500 for the other three years? Why, they wouldn't even audit their books for this. That would be foolish to ask them to do that. Every statement the gentleman has made has been false, by misunderstanding the bill. I mean misunderstanding the bill because that is what the bill calls for. You read it yourself, it says \$50,000 from the net income, which doesn't mean only \$5,000 with a ten percent tax on the first \$50,000.

Ladies and gentlemen, this morning I think you would be remiss not to pass this bill. Any little new one coming in here has got to be something that hasn't been used in the state for two years. If he comes in and he uses five or ten men, why he has helped the state, and if you give him \$5,000 income tax the first year and \$2,500 the second and \$1,500 the next three, you haven't given away anything, you have made some that will benefit for us. I don't know why some people will do anything to kill a bill. If I don't like a bill, I don't care

who sponsors it, I don't vote for it but I don't get up and cut his throat by making mis-statements. It kind of amuses me to see him fall into this because they haven't read the amendment. It is a shame to think that they don't read it and this morning I hope you will go along with the passage of this bill and vote against the indefinite postponement. When the vote is taken I ask for the yeas and nays.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly agree with Representative Finemore and I urge you all to take out H-640, the amendment, and read it for yourself. It says 100 percent during the first 12 months of operation and 50 percent during the two and so on. However, that the exclusion here and above granted shall in no event exceed \$50,000 for the first 12 month period and then a lesser amount afterwards. That is an exclusion, that is not a tax credit. It is like having an extra expense that you could deduct of \$50,000 as opposed to having \$50,000 less that you pay in tax. You would be saving, as Representative Finemore indicated, only the amount of tax that that small corporation would be paying on \$50,000 of net income. This is truly an incentive bill. It is to encourage inventiveness and creativity to bring new products into the State of Maine. I call this a jobs bill and the other day I referred to some of the incentives that are offered to other states in the United States and to the Canadian direct subsidies and mentioned that Georgia-Pacific has just indicated that they are building a huge new plant just across our border in New Brunswick because of those direct subsidies, and whose natural resources do you think they are going to use in that plant? They are going to be taking some of Maine's natural resources, forest resources, across the border to make some money in that Canadian plant.

I urge you to really consider this bill, to read this amendment very carefully, because Representative Finemore has obviously tried to solve many problems that were inherent in the original amendment. I wish that you would think of it as a jobs bill.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I thank the good lady from Waterville for a definition of exemption from income, and not a credit against tax. I think her explanation or definition was redundant because I recall, several days ago, very patiently, explaining to this House what an exemption from income for retirees was all about. This House decisively defeated the exemption which would have given retirees tax relief in tremendous amounts, something like \$40 up to a maximum of \$160. Here we have a bill, this bill has a pretty good chance, according to the track record of this House, here we have a bill that would give something like \$5,000 the first year, \$2,500 the second year and so forth. Representative Finemore has said, what is \$5,000, what big company is going to go out of its way for \$5,000? I would like you to go back a few months to the spruce budworm. There were ten companies involved with net incomes up around \$600 million, with gross receipts \$75 million or so of net income, retained earnings

combined of a few billion dollars, each one of them put his hand out for this \$75,000 or \$100,000 relief from the state. This amounted to their net, only 50 percent of that. So, I say if you have multibillion companies ready to stick their hands out for a measly \$50,000 net, you are going to have plenty of fly-by-night companies coming into this state and put out their hands for \$5,000. What is worse, is that there will be existing companies through their tax attorneys and their tax accountants, I regret to say, who will find the loopholes, who will switch from one little item such as Sylvania may put out in the electronics business to a filament or to an addition to a filament or to a reversion back to the electronic, whatever you want to call it. I can tell you that there is only one group that exceeds some of these tax evaders and that is the larger group of tax avoiders, which incidentally happens to be legal but it is not in the best ethical sense.

I fervently urge you to kill this bill because this is not a jobs bill, and all I can say about Representative Kany is that her heart is in the right place but I think she kind of scrambled up her facts.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to rise to debate my good friend, Representative Finemore and my equally good friend, Mrs. Kany. My objections to the bill are philosophical. Our present tax structure in the State of Maine is almost completely regressive. The one bright point in our tax structure is our income tax which takes into consideration the ability to pay and make no mistake about it, these companies who will be getting this credit will have the ability to pay or they would not be having an income tax return to make. This bill, if passed, will dim that one bright point in our tax picture.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I still consider this a new job creation bill. If new jobs are created by new product production, then the employees who would be working, would be paying sales tax, income tax, they would not need the services that the state may now be providing some of these unemployed people and I hope you will consider that fact when you look at this bill. I sincerely hope you will defeat the motion to kill this bill.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentleman from Pittsfield, Mr. Susi, in difference to my good friend from Bridgewater. This income tax law that we have in Maine is a relatively new law, it is a relatively simple law and this bill and the amendment is opening up a real can of worms, it erodes the base of the law. Don't be naively misled into thinking this is just a small business bill. This is a foot in the door for industry to get started on an income tax reduction, not a small business bill, it is an all business bill. Every one exemption for a new industry, there will be 100 existing industries to take advantage of this. The whole idea behind this when it was first proposed was to encourage new industry to come into the state. I can assure you that existing industries will take advantage of every opportunity they can. Do you want our

Maine Income Tax Law to be subject to the criticism that the federal tax law is with its oil depletion allowances and special exemptions for the wealthy and corporations? That is exactly what we are starting out with here.

I urge you to support the motion to indefinitely postpone. The gentleman from Bangor told it correctly as it was. Every existing industry has got the tax people on their payroll that can take advantage of this bill and they certainly will, don't think they won't and the state will lose a lot of revenue.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to agree with the sponsor of this bill, that I did misunderstand the \$50,000 figure. It does refer to net income and it does not refer to the amount of tax. This doesn't at all change my feeling about the entire bill. It is a major abrogation of our corporate income tax. I think it would have an extremely ill effect on our whole tax structure and lead to loads of trouble. I just hope that you can support the indefinite postponement.

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

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

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Very quickly. I have looked at this bill and I probably fail to understand many parts of it. One of the things that has bothered me and I think bothered a lot of people in this country has been the ability of the rich to get away from paying income tax and then the poor people, being probably a majority of us in this House and many others in this state, having to pay their fair share. Well, their ability, say the rich, to get around paying income tax is because they have the expertise or are able to hire the expertise to take advantage of these various loopholes that we have in our tax system. Certainly in industry this will apply that the small corporations, the ones that have no particular great amount of financial backing, will not be able to hire the experts to manipulate, change things around or whatever, to take advantage of this particular piece of legislation but the corporations that are larger will be able to because they do, in fact, have the experts that probably could twist things around. Basically, what happens when they make these laws complex like this is that the small tend to get smaller and the big tend to get bigger. So you are not really treating everybody equally because not all are in a financial position to take advantage of this. I think that if we are going to go about giving industry a break, then we should do it uniformly and we should do it with an eye towards all industry being able to equally take advantage of any legislation we have. I think we should really kill this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House indefinitely postpone Bill, An Act to

Provide Income Tax Credits for Eligible Businesses" House Paper 935, L. D. 1177 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Burns, Bustin, Call, Carey, Carter, Connolly, Cox, Curran, P.; Curtis, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Fenlason, Flanagan, Garsoe, Gauthier, Goodwin, K.; Gould, Gray, Hall, Henderson, Hennessey, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kelleher, Kennedy, Laffin, Laverty, Leonard, Lewin, Lewis, Lizotte, MacEachern, Mackel, McKernan, McMahon, Mills, Morin, Morton, Mulkern, Nadeau, Norris, Peakes, Pelosi, Peterson, T.; Pierce, Powell, Raymond, Saunders, Shute, Snow, Snow, Spencer, Stubbs, Susi, Talbot, Teague, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Wagner, Webber, Wilfong.

NAY — Albert, Ault, Bagley, Bennett, Berube, Bowie, Byers, Carpenter, Carroll, Chonko, Churchill, Clark, Conners, Cooney, Cote, Dam, Faucher, Finemore, Fraser, Goodwin, H.; Greenlaw, Hewes, Higgins, Hinds, Hobbins, Kany, Kelley, LaPointe, LeBlanc, Lovell, Lunt, Lynch, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, Miskavage, Mitchell, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Post, Quinn, Rideout, Rolde, Rollins, Silverman, Strout, Tarr, Theriault, Usher, Winship.

ABSENT — Curran, R.; Dudley, Jalbert, Kauffman, Littlefield, Martin, A.; Smith, Sprowl, Walker.

Yes, 85; No, 55; Absent, 9.

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

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

Mr. DeVANE: Mr. Speaker and Members of the House: Having voted on the prevailing side, I now move we reconsider our action.

The SPEAKER: Mr. DeVane of Ellsworth, having voted on the prevailing side, now moves that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

(Off Record Remarks)

On request of Mr. Rolde of York, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mr. Rolde of York, Recessed until two o'clock in the afternoon.

After Recess 2:00 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the seventh item of Unfinished Business:

JOINT ORDER — Relative to Study of County Government (H. P. 1659)

Tabled — June 3, by Mr. Dam of Skowhegan.

Pending — Passage.

On motion of Mr. Dam of Skowhegan retabled pending passage and tomorrow assigned.

The Chair laid before the House the eighth item of Unfinished Business:

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

Tabled — June 3, by Mr. Rolde of York.

Pending — Passage to be Enacted.

On motion of Mr. Berry of Buxton, retabled pending passage to be enacted and specially assigned for Monday, June 9.

The Chair laid before the House the ninth item of Unfinished Business:

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

Tabled — June 3, by Mr. Carter of Winslow.

Pending — Passage to be Enacted.

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

The Chair laid before the House the tenth item of Unfinished Business:

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

Tabled — June 3, by Mr. Dam of Skowhegan.

Pending — Motion of Mr. Carey of Waterville to Indefinitely Postpone the Bill and all Accompanying Papers.

On motion of Mr. Carey of Waterville, retabled pending his motion to indefinitely postpone the Bill and all Accompanying papers, and specially assigned for Monday, June 9.

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.

The Chair laid before the House the eleventh item of unfinished business:

Bill "An Act Relating to Contracts of Teachers with Municipalities" (H. P. 1033) (L. D. 1339) — In House, Passed to be Engrossed as amended by House Amendment "A" (H-253) as amended by House Amendment "C" (H-300), thereto.

— In Senate, Passed to be Engrossed. — In House, Receded and Concurred, May 28.

Tabled — June 3, by Mr. Rolde of York.

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

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for the bit of a mess that this bill is in. I now support the motion of the gentleman from Bangor, Mr. Kelleher, to reconsider receding and concurring.

House at Ease

The House was called to order by the Speaker.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: We need to reconsider the motion to recede and concur for the simple reason that, especially the people in here who are concerned about the Home Rule ramifications of this bill, if you recede and concur we are with the bill as it appears in front of you with no amendment, L. D. 1339, if you want to look it up, it makes no provision whatsoever for Home Rule. I would hope that you would go along with the motion to reconsider and then I will make another motion.

Thereupon the House voted to reconsider its action whereby they voted to recede and concur.

The SPEAKER: The pending question is to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon on motion of Mr. Carpenter of Houlton, the House voted to insist.

The Chair laid before the House the twelfth item of Unfinished Business:

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

Tabled — June 3, by Mr. Perkins of Blue Hill.

Pending — Passage to be Engrossed.

Mr. Goodwin of South Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-623) was read by the Clerk.

On motion of the same gentleman tabled pending adoption of House Amendment "A" and later today assigned.

The Chair laid before the House the thirteenth item of Unfinished Business:

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

Tabled — June 3, by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed as amended.

On motion of Mr. Burns of Anson, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-647) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I object to House Amendment "A" to Committee Amendment "A". This bill, L. D. 1204, is a bill that was heard by our committee, it was reported out unanimously by our committee after we worked on this many, many days, many, many weeks. It was

reviewed extensively by the courts, by the judges in the courts, in fact, they, basically, rewrote the Committee Amendment "A". The bill addresses many, many problems in the area of court commitment, especially involuntary court commitment. It smooths out the procedures whereby the police or people involved, psychologists, psychiatrists, community mental health centers etc. in the community may involuntarily commit a person but, at the same time, it provides many, many safeguards for that individual's rights.

The amendment that we are discussing right now, that has been introduced by Mr. Burns of Anson is that on one section, which is a section proposing to codify current common law on policemen's actions to begin commitment procedures for a person who the policeman believes to be a threat or an imminent threat of substantial physical harm to himself or to another person. Basically, the substantial change of this amendment is something we debated yesterday and that is to take out, in the original committee amendment, which called for the policemen to take him either to a physician or to a licensed psychologist, basically, if a substantive change of his amendment knocks out the licensed psychologists and it was the feeling of the committee that if a policeman does have to pick up a person, say he gets a complaint from a neighbor or from a family member that this person is acting strangely and the policeman does feel it is necessary to pick this person up and have him checked, then that policeman has, depending upon where he is he could take him, under the original committee bill to a licensed physician or to a licensed psychologist. If he happens to take him to a community mental health center, the only person available, at that time, in 70 percent of the cases, for all emergency commitments are psychologists, they are doing the work now. If we did pass this amendment we would be closing off the community mental health centers as a vehicle whereby the police in the communities can use it as a resource to certify people that are in danger of hurting themselves or others.

I do feel this is a very bad amendment. I feel we debated this very extensively yesterday, the differences or the capabilities of psychologists. I would move that we indefinitely postpone this amendment.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: We are getting another smoke screen, it appears. As far as the clinical or licensed psychologists are concerned, they probably are very capable of doing this. However, what we are discussing here at this particular point and the committal of an individual is the initial contact of a law enforcement officer with this individual giving the law enforcement officer the authority to remove this individual so he won't harm himself or others. We have taken out with the amendment the judgment for the law enforcement officer to determine whether or not this individual is or is not mentally ill. He now will operate on the persons actions, if they are not rational, then he may take that action.

We have also taken out the nearest physician because up in our country the nearest physician may be 180 degrees from where the individual is going to go. In other words, if he picks someone up at the

Forks, and there was an available physician in Jackman, under the law the strict code of the law, you would have to head for Jackman with the individual when you are going to wind up with him in Waterville, or Augusta. The available physician was written into the law.

This is the actual point of initial contact, as I said before, to help this individual or to get him out of the area. Contrary to what Mr. Goodwin said before, in reference to codifying this law, these laws have been codified for some period of time. In fact, until the last legislature or the preceding legislature, in order to commit an individual, you had to get two doctors to certify the individual had problems and a judge, either probate or district court or superior court judge to verify this fact. The certification mentioned here is a good idea. It gives the law officer the authority to transport this individual. I believe that the mental health agencies have sufficient law on their side now. If a patient were presented to them, they could take that action under the current law.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: A point of inquiry, has that been distributed? I don't seem to have mine and I have just found someone else who doesn't.

The SPEAKER: The Chair would answer in the affirmative.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: In reading this House Amendment "A", it seems to me that there has been quite a bit of a substantive change because if you will look at your Committee Amendment "A" which I had a difficult time finding, it is filed under S-195, it says codification of common law, what we have done or tried to do is say that any time a law enforcement officer could take somebody into protective custody on these grounds it was they had reasonable grounds to believe, based on his own personal observation that someone was mentally ill and, in addition to that, also presented a threat of imminent and substantial physical harm to either himself or some other person. If you look at the amendment, the amendment, in no way, deals with the fact of mental illness. All it says is that the law enforcement officer can take someone into personal custody when he has reasonable grounds to believe he may present a threat of harm to himself or to someone else. Well, obviously an officer could already do that when he was going to present his belief of having physical harm to someone else, that is under today's laws. There does seem to be a pretty substantial change on this. I would support the motion to indefinitely postpone this amendment.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support Mr. Burns' amendment. It is a substantial change. It would, in fact, relieve a police officer of determining who was mentally ill and allow the police officer to do what may be necessary in the line of duty based upon the conduct, the facts, the behavior of a person. I have no objections to psychologists in this case determining if a person, for their own good or the good of others, may need to be confined. I think a

great many people do object to policemen now determining who is mentally ill. A policeman should address himself to the factual situation in the persons conduct and it is indeed a fine amendment. I would ask you not to support its indefinite postponement.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support this amendment. I feel that it is a good amendment and that it would be a good tool for law enforcement. At the present time, there is nothing that can be done about a drunk laying in the middle of the road. We used to have an intoxication statute, the legislature did away with that. The only thing that can be done with a drunk is to take him to a rehabilitation center and there aren't very many rehabilitation centers in the small towns in the State of Maine. At the present time, in my town of Lincoln, if a drunk is laying in the middle of the road or on the sidewalk there is not a thing that anyone can do for them. Under this amendment, he could be taken care of and taken into protective custody and taken out of danger. I urge you all to support this amendment.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am obviously, as everyone here knows, not a lawyer but we did go over the wording of this very, very closely with members of the Attorney General's Office and this was after this had been drafted by people in the district court system, as I understand it. They felt that this wording, as far as the law enforcement officer having reasonable grounds to believe based upon his personal observation, is the type of wording that is needed to protect the person's civil rights because if he bases strictly on the actions of the individual, then tries to get that person certified as mentally ill, there can be some complications arising because there can be times when a person could be because of his actions may not be mentally ill but he may just be trying to attack somebody or something of this nature but the way that it is worded is according to the Attorney General's Office, the best way that they wanted to see this and it would work the best.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the remarks of the gentleman from Lincoln, Mr. MacEachern. This is one of the things that came up most predominantly in my campaign. I believe that it was the 106th that passed the bill that the gentleman from Lincoln is speaking about. We have a real definite problem in my town. It is something I hadn't thought about until one day I was on a talk show and somebody called in and they said, we have a particular section of town where people quite often are intoxicated and I guess you would say are a nuisance, but under the law, there wasn't anything that could be done. The gentleman called in to me on the talk show and said what if I happened to be in that section of town and I have a heart attack, I fall down in the street? Everybody is just going to step around me and curse the legislature and curse the law and I could

very easily lie there and die. I think this is a good amendment, it would allow a law enforcement officer at least to see if the person is all right or not.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to make a comment that I didn't like the idea that it was said that the officer would have to certify that the person were in that shape. The doctor, in fact, would do that. This relieves the officer of the necessity, in fact, of deciding whether the person is mentally ill or not.

I support this amendment because it doesn't require that the law enforcement officer to take the person to the nearest doctor which might prevent quite a problem if he had to stop and figure out who was nearer or anyone getting very picky about this sort of thing. In practice, in a city, nearly any case of this sort would be taken to an emergency room at the hospital where they would determine what doctor was available rather than who was nearest. It seems to me that the original amendment is too rigid in this department and that we should allow a little bit more leeway.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose House Amendment "A". This is one of the bills that we did labor a great deal over. Part of the reason is that I insisted on some clear language on this particular bill. I think what has happened here with this amendment is we have gone right back to where we were before in that, this House Amendment "A", as I see it, and I am not a legal genius at all, affords too much power for the policeman. In the original bill, if you were to go back and look at it, you would find not only that could the policeman pick you up but there was a lot of loopholes in terms of how long he could keep you and when he could let you go, if and when the physician or court decided that you weren't to be held. I don't think the original piece of legislation, the intent, was to handle problems with intoxicated individuals. I don't know that an intoxicated individual, on a one time basis, would be considered mentally ill. I am quite sure and perhaps some of the lawyers in our body could tell us, as I remember, Mr. Courtland Perry, who has spent a great deal of time with this particular piece of legislation, that there is, under common law, the police officers, at present, can take care of somebody who may be lying on a sidewalk intoxicated, can take them into protective custody, can take them to some place where they can be taken care of. I don't think it was the intent of this particular piece of legislation.

If you go back to what the statutes are now, it had a great deal to do with moving an individual, from one facility to another in which the law read that if a person were found to be or there was a probable cause about their mental illness and they had to be taken to a facility and they were down in York County someplace, they would first have to go to Webber Hospital and they would have to play old, "there is no room in the Inn" and they would have to hit every medical facility from York all the way to the Augusta Mental Health Clinic before they could do an admitting procedure. Part of the bill cleans up that

procedure. I really think that this House Amendment "A" goes further than what the intent was of this particular piece of legislation and gives law enforcement officers some liberties that I do not wish to give them. I would urge that you defeat House Amendment "A".

On motion of Mr. DeVane of Ellsworth, tabled pending the motion of Mr. Goodwin of South Berwick that House Amendment "A" to Committee Amendment "A" be indefinitely postponed and tomorrow assigned.

The Chair laid before the House the fourteenth item of Unfinished Business:

An Act to Reassign the Functions of the Department of Commerce and Industry and the Office of Energy Resources (S. P. 440) (L. D. 1456) (Emergency) — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-122)

Tabled — June 3, by Mr. Kelleher of Bangor.

Pending — Passage to be Enacted.

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

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

House Amendment "A" (H-534) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for the kindness that you have extended to me and to the Energy Committee in continually tabling this document, L. D. 1456. The Energy Committee, over the past month, has come up with a comprehensive bill concerning the Office of Energy. We had worked out two bills down in our committee putting them together and adding to a particular document that you have out before you, called L. D. 1913. As we were working, one of the members of the committee, discovered in the DCI bill that there was a portion of that bill that was involved in changing the Office of Energy around and putting it over under State Planning. It was through the efforts of the Energy Committee that we believe, came out with a comprehensive program much, much better than what is in 1456 because there are some major weaknesses in that particular document concerning energy. A major weakness in the bill as regards to energy policy is the incorporation of the energy coordinator in the State Planning Office. The energy coordinator will lose much of his or her effectiveness because he or she will be one individual we believe as a committee lost in a group of officials who were trying to develop them into state policy and programs.

Another problem with 1456 is the lack of specifications in regard to the qualifications of the Energy Coordinator and energy plans to be developed. The energy coordinator in 1456 could be an individual, because of the language, with no experience, background, knowledge in energy or associate fields to be the chief of Maine's energy policy. The energy coordinator in L. D. 1456, as in L. D. 834, has the power to develop any alternate energy sources. The bill does not specify whether the coordinator may or may not enter into private contracts. We have corrected this objection.

In addition, there is no conflict of

interests clauses to prevent the coordinator from misusing the position of the coordinator advantage in negotiating of contracts. The state legislature will have very little control or authority whatsoever over the energy coordinator as a result of L. D. 1456. As an official in the State Planning Office, the energy coordinator and the state energy emergency plan will not require legislative appropriation or, in fact, any direction. In addition there will be no provision in L. D. 1456 that would require the coordinator to report annually to the legislature in regards to policies, goals, programs and achievements of the energy office. An annual report is required by most of the other executive agencies but there is none whatsoever to this legislation. There are some other objections perhaps some of the members of the energy committee may want to comment further.

I would urge this House to support the amendment that was offered on behalf of the total energy committee, both from this body and the other. I believe that we will have a more comprehensive program for your consideration before this body within a couple of days. It is now over in the other body. I would now move for its adoption.

Thereupon House Amendment "A" was adopted.

The Bill passed to be engrossed as amended by House Amendment "A" to Committee Amendment in non-concurrence and sent up for concurrence.

The Chair laid before the House the fifteenth item of unfinished business:

Bill "An Act Relating to Maine Veterinary Practice" (S. P. 212) (L. D. 739) — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-218)

Tabled — June 3, by Mrs. Najarian of Portland.

Pending — Adoption of House Amendment "A" (H-632) to Committee Amendment "A" (S-218).

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Mr. Dam of Skowhegan offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-644) was read by the Clerk.

Mr. Berry of Buxton moved indefinite postponement of House Amendment "B" to Committee Amendment "A".

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: This is really not a biggie. I guess all it does is take a section out of an amendment that came out of the Agriculture Committee. I guess it is language that Mr. Dam is opposed to, as near as I can find out. However, the language he is opposed to is also part of the bill later on and it just doesn't seem sensible to remove that section of the law, if the law itself, defines the very things that Mr. Dam is opposed to. I urge the indefinite postponement.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I realize fully that later on in the bill this same language appears but it does not appear in the way that it appears in the paragraph which my amendment proposes to remove.

I don't think it is very good practice in any law in Maine when we write in language such as we find in Section 4851, where it says the legislature finds and declares that the public health safety and welfare of this state to safeguard the people of Maine from incompetent, dishonest, or unprincipled practitioners of veterinary medicine. I don't think it speaks very well for our licensing divisions in the State of Maine when we say that they have been, and what we are saying by putting this in, that in the past they have been neglecting their duties and the licensing of veterinarians in the State of Maine. I would never stand on the floor and say that everyone of the veterinarians in the State of Maine are honest people, no more than I would stand on the floor and say that every member of any body or any group of people are honest people, there is always a bad apple in every group. I think to put a label, such as this, in the opening paragraph of a bill labeling these people all as dishonest, incompetent, unprincipled. I think this is the most ridiculous thing I have ever seen.

I have talked with the veterinarian in Skowhegan, Dr. Rouillard, and he had worked on the original bill, he did not know this appeared in the bill. I called him yesterday morning and talked with him on the phone. He was concerned about language like this. I have also talked with other veterinarians, and they are concerned that this appears in this form. While we fully well realize it appears in other parts of the bill, it does not appear in the form that it appears in this paragraph. I would hope we would defeat the motion to indefinitely postpone.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, it was Dr. Rouillard who is president of the Maine Veterinary Association that wrote this document.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the good representative from Buxton, Mr. Berry, has told you anything any differently than I just got done telling you. It was Dr. Rouillard that worked on the original bill, this happens to be a committee amendment. I also gave, Mr. Berry, yesterday morning the telephone number of Dr. Rouillard in Skowhegan after Dr. Rouillard had called me and I had called him back. I don't think the good gentleman has told you anything different than I have told you.

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

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do indefinitely postpone this amendment. This bill was thoroughly gone over line by line with the aid of the Department of Agriculture Veterinarians and it was accepted by the committee. I think they studied the bill well. I think the objection of Mr. Dam is uncalled for.

The SPEAKER: The pending question is on the motion of Mr. Berry of Buxton that the House indefinitely postpone House Amendment "B" to Committee Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 65 having voted in the affirmative and 24 in the negative, the motion does prevail.

Thereupon, Committee Amendment

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

The Bill passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence sent up for concurrence.

The Chair laid before the House the sixteenth item of Unfinished Business:

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

Tabled — June 3, by Mr. Doak of Rangeley.

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

Mr. Doak of Rangeley offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-642) was read by the Clerk and adopted.

Committee Amendment as amended by House Amendment "B" thereto was adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the seventeenth item of Unfinished Business:

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

Tabled — June 3, by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed as amended.

On motion of Mr. Talbot of Portland, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted and on further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

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

House Amendment "A" (H-648) was read by the Clerk.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this bill is to rectify and amend some of the existing legislation under Title 34 of the Maine Revised Statutes in order that there will be one body of law in Title 34 which guarantees minimal standards for the protection of the rights of residents of public institutions.

Presently, Title 34 makes only scattered references to subjects considered generally within the category of residents rights of public institutions to provide basic legal guidelines for the authorities of public institutions when deciding administrative policies in the areas covered by the bill.

This bill does not create a whole new set of policies for most public institutions. It does provide basic guidelines for developing policies by authorities of public institutions. It does remove a certain degree of arbitrariness of informal policies developed by authorities of public institutions.

There is a high coalition in Maine, as well in the whole United States, between individuals who have been institutionalized at correctional facilities and who have returned. Part of the reason for this, we believe, lies in the fact that an institutional life doesn't lend itself to rehabilitation or to fair punishment. Institutional life often hardens the individual's contempt for society and those who have put him or her there. To provide

basic minimal rights for residents of public institutions can only act as an insurance safeguard for society that when an individual is released there will be less likelihood of returning.

It is a fact that residents of public institutions can and have been discriminated against by those who have custody over them. Recently, we have seen such a case at the Augusta Mental Health Institute. It is only reasonable that the legislature pass minimal standards for the protection of their rights in an effort to curtail this activity. This bill was drafted from model legislation recommended for public institutions by the National Council on Crime and Delinquency. I would now move its passage.

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

Mrs. BERRY: Mr. Speaker, I can't seem to find the amendment that was just put on and I can't find the amendment that has been postponed. Could this possibly lay on the table for one day until we know what we are doing?

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

Mr. TALBOT: Mr. Speaker, I am in a quandary here and maybe you can help me out. This bill has been tabled now for two or three days. I hate to keep tabling it because I am in a jam insofar as my working hours are concerned, my outside working hours are concerned. If it would be all right with the young lady, I would explain exactly what the amendment does and what changes have been made, if that would suit her. The amendment has been passed out.

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

Mr. CONNERS: Mr. Speaker, I move that lay on the table one legislative day.

Mr. TALBOT of Portland requested a division.

The SPEAKER: The pending question before the House is tabling for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 36 having voted in the affirmative and 50 in the negative, the motion did not prevail.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: To be fair, I will try to clear up a little confusion here. You probably will have two amendments on your desks referred to this bill, one is mine and the other one has been put in by the gentleman from Franklin, Mr. Conners. I would hope that you would turn to mine. I will just try to explain to you some of the things that this amendment does, since some of you can't find yours on your desk. It is my bill and it went before our committee, and we reported out somewhat a concise version of the original bill, which was a 6 to 6 report, six who signed the "Ought to Pass" Report and six who signed the "Ought Not to Pass" Report, with one Senator abstaining because he didn't know anything about the bill.

I took the bill back because I think it is a very, very important piece of legislation as far as minimal rights are concerned for people who are now serving in all of our institutions and I put back in some of the language that was in the original bill, nothing radical, just some of the language. For instance, it stipulates in the bill under rights, I think, that the person within that institution shall have a right of exercise

and I just submitted indoor or outdoor exercise; a generally healthy environment, that has been included in the bill.

Under Section 2, under Rights, you will notice that any person residing in an institution in that particular paragraph we have inserted any general health, environment, a reasonable amount of space per person in any sleeping area, for both indoor and outdoor exercise and recreational activities, protection against any physical or psychological abuse or unnecessary indignity. Essentially, it is the same piece of legislation that came out of the committee with changes such as this. Measures shall be instituted and maintained within public institutions to protect against suicide or the self-destructive acts and for preventing inhuman treatment of residents by employees, other residents or any other persons.

To give you an example, I went to the county jail in Portland and I visited inside a couple of what they call padded cells and one of them had been really destroyed. I don't know who had been in there before I got there, they were not planning on keeping me, but whoever was there had ripped out all the pads on one wall. This would, I think, take care of some of that, to make sure that a person within that cell or within that particular area cannot hurt or destruct themselves.

In Section 3, I have put back into the bill county jails. As it stands now, the state does not have any jurisdiction over the municipal lockup but it does have jurisdiction over county jails. That is still in the bill — "In no event shall corporal punishment be imposed or the use of any physical force." It starts off, the new language which I put back in, "or the use of any physical force be used by an employee except that which is necessary for self defense, prevention or interruption of assault by a resident upon himself or another person for the preventing of a riot or escape. There may be no discriminatory treatment based upon a residents race, religion, nationality or political belief." I have put back in, underneath this same section, cell lockup, segregation and I don't want to go through this whole thing, but there was just different language changes within the bill. I hope that if anybody has any questions, they would ask me. I think it is a good piece of legislation to create minimal standards and guidelines for the Department of Mental Health and Corrections and I would certainly hope that you would look favorably on it.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: A member of the Human Resources Committee has studied this bill and I am one of those who passed out an "Ought Not to Pass" one of the six. This amendment here puts back into the bill several of the things that we objected to in the original bill and I would like to read just one of them. In here it says, "Any punishment that may affect the term of commitment, good time sentence and parole eligibility and any complaint, the disposition of which may include the imposition of cell lockups, segregation or solitary confinement of a person in such an institution shall not be imposed." This means that you cannot impose any penalty or any disciplinary action upon this person without an

impartial hearing at which a resident shall have a right to be present and to present evidence on his own behalf, to call one or more witnesses, whose rights shall not be unreasonably withheld or restricted, to question any witness who testified at the hearing and to cross-examine adverse witnesses, which rights shall not be unreasonably withheld or restricted and to be represented by counsel or counsel substitute of his choice, the person shall be informed in writing of the specific nature of his alleged misconduct and a written record shall be maintained of all disciplinary complaints, hearings, proceedings, etc. This means that if the superintendent of one of these institutions wants to take disciplinary action against anybody, he cannot do it until after a hearing and I think we are going a little too far in this area.

Also, the Department of Mental Health and Corrections, along in conjunction with the advocate, is promulgating a set of rules and regulations for a Bill of Rights for the residents of institutions and this will be ready at the next session and will be implemented before then and I think that this is the way the legislature should operate, to take a look at this Bill of Rights. Along with this Bill of Rights, I would like to say that I think, if we have a Bill of Rights for the residents, along with this Bill of Rights there goes some responsibility.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is worse than the bill. First of all, we want to give these people in institutions all the same rights. We have to understand one thing, that those who have been put in prison cannot be treated the same as those that are in mental institutions. This particular amendment doesn't make any provisions for any difference.

It says also in the bill about protection against suicide and self-destruction but yet we have to give them all the rights of a regular citizen, so we have to be careful. In other words, where do we set the limit? We can't take the belt off an individual, we can't take his drinking glass out of his room but, yet, we have to take precautions so that they will not commit suicide.

I think this type of legislation is not reasonable. I think that these department heads and the wardens know a lot better the individuals that are in these places and they can set up guidelines because each case that goes in there is an individual case and it is very difficult to set up legislation for every individual. For this reason, I would ask that this amendment be indefinitely postponed.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion to indefinitely postpone this amendment. What this amendment does is it attempts to get at a problem which is sometimes difficult for people on the outside to recognize but people who deal with the prisons of this state and with mental institutions of the state have come across time and time again, and occasionally we see examples cropping up in the news, as in the case of the Augusta Mental Health Institute.

What we are trying to do is establish the fact in law that we are putting people into these institutions for a specific purpose,

the attempt is to rehabilitate them. They are put there, especially in the case of prisons, and they are deprived of certain rights by law but being placed there and without a bill like this to govern the behavior of their administrators, they oftentimes have certain human rights deprived of them in the process of depriving them of legally removed rights which come from their convictions.

Now what Mr. Talbot of Portland is attempting to do is to put on certain minimal standards that our institutions will have to comply with that will guarantee that these people who are in these institutions, whether they be mental hospitals or prisons or county jails, be allowed to have certain human rights which each of us carry with us as inalienable that even a court cannot remove from us. But occasionally the fact is that these rights are removed. We don't think it is done intentionally in most cases but it does happen and the amendment before us now attempts to deal with that situation. I would urge you to support it.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Franklin, Mr. Conners, and the gentleman from Lewiston, Mr. Raymond, for speaking against the bill because I think they spoke for the bill, because the only thing we are doing here is transferring or continuing the rights of individuals from society to the institution and I would ask you to turn to Rules and Regulations which is in the beginning of the bill. It says that the central principle underlying all rules, regulations and procedures and practices relating to residents of the several institutions within the Department and hospitals as defined by Section 2251, Section 3, shall be that such persons shall retain all rights of an ordinary citizen except those expressly or necessarily implicationally taken from them by law.

All we are saying is that when people go into an institution, whatever that institution might be, that they have human rights, they continue to have their human rights. I have taken the liberty of writing down what human rights are and if you will just bear with me a little while, I have a time problem, I would just like to read to you exactly what human rights are.

Human rights are based on mankind's increasing demand for a decent, civilized life in which the inherent dignity of each human being will receive respect and protection. This idea reaches beyond the comforts and conveniences that science and technology can provide. We do not speak merely of biological needs when we talk about human rights, rather we mean those conditions of life which allow us fully to develop and use our human qualities of intelligence and conscience to satisfy our spiritual needs. Human rights are fundamental to our nature. Without them, we cannot live as human beings. To deny human beings their rights is to set the stage for political and social unrest, wars, hostility between people, states, nations and between groups within a nation, and leads to urgent demands for a better life and larger freedom. Human rights, far from being an abstract subject for philosophers and lawyers, affects the daily lives of everyone, man, woman and child.

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

Mr. PALMER: Mr. Speaker. I move the

item lay on the table for two legislative days.

Mr. Talbot of Portland requested a division.

The SPEAKER: If you are in favor of tabling for two legislative days pending the motion to indefinitely postpone House Amendment "A" you will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 37 in the negative, the motion did prevail.

The following papers appearing on Supplement I were taken up out of order by unanimous consent:

The following Communication:
STATE OF MAINE
OFFICE OF THE SECRETARY OF
STATE

June 5, 1975

To the Honorable John L. Martin

Speaker of the

House of Representatives of the

One Hundred and Seventh Legislature;

In compliance with the Constitution and Laws of the State of Maine, I have the honor to herewith report the return of votes cast for Representative to the One Hundred and Seventh Legislature in Representative District 79 at a Special Election held June 3, 1975, according to a review of the return made by the Governor and Council, to fill the vacancy caused by the death of Representative Joseph E. Binnette of Old Town, as follows:

Michael D. Pearson of Old Town received 1,327 votes.

G. Howard Shirley of Old Town received 755 votes.

Christopher Harris of Old Town received 28 votes.

Signed:

MARKHAM L. GARTLEY
Secretary of State

The Communication was read and ordered placed on file.

The following Communication:
STATE OF MAINE
OFFICE OF THE SECRETARY OF
STATE

June 5, 1975

To Edwin H. Pert

Clerk of the

House of Representatives of the

One Hundred and Seventh Legislature;

In compliance with the Constitution and Laws of the State of Maine, I hereby certify that a Special Election was held in Representative District 79 on June 3, 1975, for the purpose of electing a Representative to the One Hundred and Seventh Legislature to fill the vacancy caused by the death of Representative Joseph E. Binnette of Old Town; that at said election Michael D. Pearson of Old Town, having received a plurality of all votes cast in said election, as contained in a report submitted to the Governor and Council under date of June 5, 1975 appears to have been elected a Representative to the One Hundred and Seventh Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of Maine to be hereunto affixed this fifth day of June in the year of our Lord, one thousand nine hundred and seventy-five and of the Independence of the United States of America, the one hundred and ninety-ninth.

Signed:

MARKHAM L. GARTLEY
Secretary of State

The Communication was read and ordered placed on file.

The Speaker announced the presence in the hall of the House of Representative-elect Michael D. Pearson of Old Town, and the Speaker appointed Mr. Rolde of York, Gould of Old Town and Kelleher of Bangor to escort Mr. Pearson to the Governor to receive and subscribe the oaths necessary to qualify him to enter upon his duties.

The Speaker assigned Seat No. 27 to Mr. Snow of Falmouth.

Subsequently, Mr. Rolde of York reported that Representative-elect Michael D. Pearson of Old Town had received and subscribed the oaths necessary to qualify him to enter upon his duties.

The Speaker assigned Seat No. 48 to Mr. Pearson and appointed him to the Committee on Labor.

Mr. Tierney of Durham presented the following Joint Order and moved its passage: (H. P. 1671)

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act to Equalize the Offset of Workmen's Compensation Benefits Against Certain Retirement and Social Security Benefits" (H. P. 1450, L. D. 1721)

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

By unanimous consent, ordered sent forthwith to the Senate.

On the disagreeing action of the legislature on Bill "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air," House Paper 1191, L. D. 1487, the Speaker appointed the following Conferees on the part of the House:

Messrs. CARPENTER of Houlton
SMITH of Dover-Foxcroft
PETERSON of Caribou

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

House Divided Report — Report "A" (6) "Ought to Pass" — Report "B" (6) "Ought Not to Pass" — Committee on Energy on Bill "An Act to Create the Passamaquoddy Tidal Power Project Study Commission" (Emergency) (H. P. 1343) (L. D. 1668)

Tabled — June 3, by Mr. Rolde of York.

Pending — Acceptance of either Report.

On motion by Mr. Rolde of York, tabled unassigned pending acceptance of either Report.

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

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

Tabled — June 3, by Mr. Greenlaw of Stonington.

Pending — Passage to be Engrossed as amended.

On motion of Mr. Greenlaw of Stonington, tabled pending passage to be engrossed as amended and specially assigned for Monday, June 9.

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

Bill "An Act Establishing a Fee-for-Service System for the Diagnostic Laboratory, Department of Health and

Welfare" (H. P. 246) (L. D. 299) (C. "A" H-580)

Tabled — June 3, by Mr. Talbot of Portland.

Pending — Passage to be Engrossed as amended.

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

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

Bill "An Act Relating to the Division of Hundred-Weight Fees between the Maine Milk Commission and the Maine Dairy Council Committee" (S. P. 417) (L. D. 1374) (C. "A" S-125)

Tabled — June 3, by Mr. Kelleher of Bangor.

Pending — Passage to be Engrossed as amended.

On motion of Mr. LaPointe of Portland, tabled pending passage to be engrossed as amended and specially assigned for Monday, June 9.

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

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

Tabled — June 3, by Mr. Rolde of York.

Pending — Passage to be Engrossed as amended.

On motion of Mr. Morton of Farmington, tabled pending passage to be engrossed as amended and specially assigned for Monday, June 9.

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

Senate Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Taxation on Bill "An Act Relating to Exemption of the East Auburn Community Unit, Inc., from Property Taxes" (S. P. 482) (L. D. 1613). — In Senate, Minority "Ought to Pass" Report accepted.

Tabled — June 3, by Mr. Rolde of York.

Pending — Acceptance of either Report.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I have been asked by Auburn City Manager, Mr. Bernard Murphy, its legal counsel, City Solicitor, Mr. Curtis Webber, and its tax assessor, Mr. John Lockhead, to give you their reasons for asking you to support the Majority "Ought not to pass" 9 to 4 Taxation Committee Report for a tax exemption requested by the East Auburn Community Center, Inc. This I can best do by reading to you the reasons contained in their communications they have sent me. Before I do this, I want to emphatically tell you that I have the greatest admiration for the public spirited people who have toiled long and hard to make this center a source of pride to all of us in Auburn. It has provided facilities for social and recreational functions for old and young alike, but, unfortunately, it does not fit, in the opinion of our city fathers, into a charitable and benevolent category that would entitle it to a tax exemption status.

The following is in the form of a communication. The first one is addressed to Bernard J. Murphy, City Manager, February 3. It says, "I do not feel that the legislature should or would adopt legislation that would have allowed them

to take their place among those organizations who contribute so much to the public good. These organizations include houses of religious worship, hospitals, the American Red Cross, chambers of commerce, charitable fraternal organizations, YMCA's, YWCA's, Boy Scouts of America, properties of public water and sewer organizations and disabled veterans organizations. I am of the opinion that they are requesting the legislature for this special exempt status because they feel they do not feel they could qualify under the umbrella-type exemption granted charitable and benevolent organizations. The East Auburn Community Unit, Inc., is basically a regionalized social club whose membership is restricted to those living within a small geographical area of the City of Auburn. Membership is not open to the public at large; there are 80 members. Their prime function of late years, 1969-1974, has been to liquidate a substantial mortgage incurred when the new hall was erected in 1969. This mortgage was written off in December, 1973, and it amounted to \$20,000. The total cost of this new hall was approximately \$50,000. These funds originate from a beano game, rental of the hall for meetings and receptions of all kinds. The hall is not open to all the public without charge for any substantial period of time. This organization has made minor monetary contributions to the following organizations: Brownies, Halloween parties for children, Little League, PAL, scholarships, Pioneer Girls, Boys Brigade. They have also permitted skiing and installed a rope ski tow some years ago. The men of the Unit have made contributions and kind services in the past and the recipients have been the children in the East Auburn area. They have made the hall available to the City of Auburn Recreation Department on Wednesday evening and Saturday morning during the fall, winter and spring months. In effect, with total exemption, they would be the recipient with an approximation of approximately \$2,365 for 1975, which could continue and grow yearly if their holdings should expand, and those holdings would also benefit from the services granted our taxpayers. I have requested an operating statement from within which is due February 10, which I have here, which will provide additional information."

There is also another letter that I will read to you, and it is addressed to me. It says: "I am enclosing a copy of the response made by the East Auburn Community, Inc., to my questionnaire pertaining to the nature of their operation. Please note my marginal comments on this letter as well as the underlined statement." These are the underlined statements: "It is self-evident that this organization is chartered as a social and recreational entity and not as charitable and benevolent organization, nor are they acting as a charitable and benevolent organization. Again, let me apologize for taking up so much time at the hearing, but in my judgment, the ramifications, if the exemption should be granted, would open the doors of further questionable exemption requests."

Mr. Speaker and Members of the House, on the basis of that, I would ask you to support the Majority "Ought not to pass" Report.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: About the only thing I can say, I worked along with Mr. Drigotas on this and listened to the testimony and stopped and talked with Mr. Lockhead and I hope at this time we will go along with Mr. Drigotas on the "Ought not to pass" Report.

Thereupon, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

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

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

Tabled — June 3, by Mrs. Boudreau of Portland.

Pending — Acceptance of either Report.

On motion of Mr. Birt of East Millinocket, retabled pending acceptance of either Report and specially assigned for Monday, June 9.

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

An Act Relating to the Maintenance of Vital Records (S. P. 322) (L. D. 1099) — Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-170)

Tabled — June 3, by Mr. Rolde of York.

Pending — Passage to be Enacted.

On motion of Mr. Rolde of York, retabled pending passage to be enacted and specially assigned for Monday, June 9.

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

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

Tabled — June 3, by Mr. Rolde of York.

Pending — Passage.

Thereupon, Mr. Dam of Skowhegan requested permission to withdraw the Order, which was granted.

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

Senate Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Natural Resources on Bill "An Act to Establish a Public Preserve in the Bigelow Mountain Area" (I. B. 1) (L. D. 1619)

Tabled — June 4, by Mr. Peterson of South Windham.

Pending — Acceptance of Either Report.

On motion of Mr. Peterson of Windham, retabled pending acceptance of either Report and specially assigned for Monday, June 9.

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

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) (Emergency)

Tabled — June 4, by Mrs. Boudreau of Portland.

Pending — Passage to be Enacted.

The SPEAKER: The pending question is on passage to be enacted. This being an

emergency measure, it requires a two-thirds vote of all the members elected to the House. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

106 having voted in the affirmative and 4 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

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)

Tabled — June 4, by Mr. Snow of Falmouth.

Pending — Passage to be Enacted.

On motion of Mrs. Najarian of Portland, retabled pending passage to be enacted and specially assigned for Monday, June 9.

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

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

Tabled — June 4, by Mr. Spencer of Standish.

Pending — Passage to be Enacted.

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

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

Senate Divided Report — Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (S-217) — Minority (4) "Ought Not to Pass" — Committee on Health and Institutional Services on Bill "An Act to Further the Conservation of Vision" (S. P. 169) (L. D. 556) In Senate, "Ought to Pass" as amended Report read and Accepted, Bill Passed to be Engrossed as amended.

Tabled — June 4, by Mr. Goodwin of South Berwick.

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

On motion of Mr. Tyndale of Kennebunkport, retabled pending the motion of Mr. Goodwin of South Berwick to accept the Majority Report in concurrence and tomorrow assigned.

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

Bill "An Act to Authorize the Board of Registration in Medicine to Conduct Medical Education Programs" (S. P. 430) (L. D. 1417). — In House, Passed to be Engrossed as amended by House Amendment "A" (H-443) — In Senate, Passed to be Engrossed as amended by House Amendment "A" (H-443) and Senate Amendment "A" (S-257) in non-concurrence.

Tabled — June 4, by Mr. LaPointe of Portland.

Pending — Further Consideration.

On motion of Mr. LaPointe of Portland, the House voted to recede from passage to be engrossed.

Senate Amendment "A" (S-257) was read by the Clerk.

Mr. LaPointe of Portland offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-646) was read by the Clerk.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: The amendment that I have just offered to Senate Amendment "A" would specify that any funds used for educating medical students, these funds would have to be used for medical students, intent on engaging in family practice in rural Maine.

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted.

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

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

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

Senate Divided Report — Majority (1) "Ought to Pass" as amended by Committee Amendment "A" (S-235) — Minority (2) "Ought Not to Pass" — Committee on State Government 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). — In Senate, Majority "Ought to Pass" as amended Report read and accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-235) as amended by Senate Amendments "A" (S-254) and "B" (S-258), thereto.

Tabled — June 4, by Mr. Cooney of Sabattus.

Pending — motion of Same Gentleman to Accept Majority "Ought to Pass" as Amended Report.

On motion of Mr. Rolde of York, retabled pending the motion of Mr. Cooney of Sabattus to Accept the Majority Report in concurrence and tomorrow assigned.

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 4, by Mr. Albert of Limestone.

Pending — Motion of Mr. Jensen of Portland to Recommit to the Committee on Transportation. (New Draft) (L. D. 1911) Report by Committee on Transportation ruled not germane by Speaker).

Was recommitted to the Committee on Transportation and sent up for concurrence.

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

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

Tabled — by Mr. Goodwin of South Berwick.

Pending — Adoption of House Amendment "A"

Thereupon, House Amendment "A" was adopted.

Thereupon, on motion of Mr. Goodwin of South Berwick, tabled ending passage to be engrossed and tomorrow assigned.

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

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Direct Initiative for Proposed Amendments to the Constitution (H. P. 1421) (L. D. 1806) (C. "A" H-397, S. "A" S-214)

The SPEAKER: This being a Constitutional Amendment, a two-thirds vote of the House is necessary. All in favor of this Resolution being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Birt of East Millinocket 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 East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to discuss just a few specific points on this resolution and how it affects the Maine Legislature. The Maine Legislature has never used a rules committee to control the flow of legislation to the floor. Some states do and bills can be tied up in committee and various other ways of doing it. All bills are required to be reported to the legislature. The ability to get a matter before the Maine Legislature has never been considered to be a serious problem. I have always thought there were plenty of people who would sponsor most any reasonable legislation.

The Maine Constitution is an excellent constitution, followed very closely to the Federal Constitution. It is one of the most brief of all state constitutions, only nine other states have a shorter constitution. Georgia has over 500,000 in theirs and Louisiana has 231,000, California has a constitution somewhere in between the size of Georgia's and Louisiana's. Only three states have constitutions of longer durability. I think it has always been interesting, and many of us have taken some pride in the fact that Thomas Jefferson, in reviewing the Maine Constitution said, and I quote, "Thomas Jefferson returns back to General King for his kind communication the Constitution of Maine, which he finds marked with wisdom in every point except representation."

I have not heard any great clamor by either voter or in the press for this particular change in the Constitution. The initiatory and referendum procedure was started in 1890, and Maine adopted the initiatory and referendum procedure for statutory matters in 1907. By 1914, 16 states had adopted the initiatory and referendum procedure, some with constitutional provisions and others with none. By 1928, only four additional states had adopted the initiatory. Since then, only Alaska, in 1959 in adopting their Constitution, approved this matter.

The experience of two states, Massachusetts and California, shows that in one Massachusetts case, which adopted the initiatory referendum procedure, which included changes in the Constitution in 1918, finds that only two matters have been petitioned for change in the Constitution. California experience was somewhat different. There have been a great many initiatory petitions for changes in their Constitution. Many have been defeated; however, others have been adopted. In several of these cases, they have been poorly drafted and it resulted in the California Constitution having become, as some people say, a hodge-podge. Any person who wishes to spend a little money can obtain the required signatures.

We had a case in this state a few years ago of a bond issue that was initiated for a bridge in southern Maine. According to the articles in the press, many of the signatures were obtained by students at the rate of 10 cents per signature. The 35,000 then would only cost about \$3,500 to \$4,000, and there are many people who would spend that amount of money to accomplish this end.

Initiatory and referendum petitions must be sent to the voter as presented. Poor drafting could put the Constitution in the position of being utterly unintelligible. The legislative process does at least result in deliberation in drafting.

Another question which arises, the possibility of a small turnout of voters being able to make a basic change in the Constitution. In 1951, 29,552 people, 12.3 percent of the vote cast in the previous gubernatorial election voted yes on the Bangor-Brewer bridge. This was more than the 21,940 who voted no, but the total vote was less than 20 percent of the entire vote that was cast in the previous gubernatorial election. This would result in a particular issue that affected only a small area of the state or something that might be of general interest to a small area of the state, and a good voter turnout there having a drastic effect on how the Constitution could be changed.

I realize full well the sponsor has worked hard on this bill and he has shown a great deal of interest and done a great deal of research on it. However, not finding any real clamor for it, I feel the passage of this amendment might create more problems than it would solve, and I hope you would not vote for passage of this this afternoon.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I understand now that the way this bill reads is that it would be a majority of the House but two-thirds of the electorate in general who would vote for this. I have been told that we cannot ask two thirds of the electorate in general to vote on something in order to make it law. We can have seven-eighths or nine-tenths, or whatever we want in here if we vote for it, but we cannot have more than a simple majority out of the electorate. Perhaps somebody can enlighten me on this.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mrs. NAJARIAN: Mr. Speaker, this question came up a little earlier and we have had time to ask this question of the Attorney General and we received a letter from John Benoit this morning, and he has

answered that it is his opinion that the provision is constitutional and he gives the case law and the reasons why. I could read all that to you if you want me to, or I can have the letter copied and distributed. He cites the Illinois Constitution which requires on constitutional amendments, the people voting not less than three-fourths of all those voting at the election — no, the Illinois Constitution specifies that constitutional amendments initiated by the people shall become effective, if approved by either three fifths of those voting on the amendment or a majority of those voting in the election. There is additional authority reported in CJS Constitutional laws, Section 9, who supported a conclusion that the two-thirds provision is constitutional. We see no reason to conclude that the provision violates language in the Federal Constitution. Thanking you for your attention, Very truly yours, John Benoit, Jr., Deputy Attorney General."

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to very briefly describe what this bill does and then answer two of the points made by the gentleman from East Millinocket, Mr. Birt.

The bill establishes an initiative mechanism for starting constitutional amendments. It then provides that if the necessary signatures are obtained, it would be 10 percent of the signatures in the last gubernatorial election, then the matter would come to the legislature. It would have to be approved by a majority of each House of the Legislature in order to go to the public, so if it didn't receive a majority in each House of the full membership — this is not a majority of those present and voting — it would not go out to referendum. If it did receive a majority of the full membership, it would then go out to referendum where it would require a two-thirds vote of the public.

The comparison was made to the initiative mechanisms in California and Massachusetts, and this proposal is essentially similar to the Massachusetts mechanism which requires that the matter go to the legislature and receive approval in the legislature before going out to the public. In the Massachusetts Constitution it only requires 25 percent of the legislature but it has to get that twice in a row. This bill provides for a majority of the legislature before it goes out to referendum. It's not similar to the California mechanism which doesn't require legislative approval at all to go on the ballot. I think that essentially what this bill does, it enables the public, when it feels very strongly on an issue, to initiate a constitutional amendment and I feel that it would be a positive step for Maine's government and I think the experience in Massachusetts indicates that it would not create problems with the constitution at all. As Mr. Birt pointed out, it has only been used twice in Massachusetts.

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen: I'm not a constitutional expert but I haven't heard a word here as to why we should change the process that we are following now which actually is more direct than what is being proposed. Here we are a body that goes back for refreshment every two years to the people

and we can bring in any type of legislation that our constituents want and then they can put substantially less effort in than going through the initiated referendum. I just don't buy the solid ring of why this should be turned around. I think our constitution should be, I hate to use the word difficult but I guess that's the best way I can convey it, it should be not an easy process to amend our constitution. It should be a solemn occasion and I believe it should start in here and be engrossed, and be considered and receive two-thirds of our votes before it goes out then for ratification by the people and how many of you have had experience on the recent, bottle bill of being mailed these huge lists of signatures from the grocery stores and just casually checking a few of them and finding that they were signed so no one would be embarrassed, they were signed because a friend asked? I submit that this is not a good route for us to take and I would hope that enough of those red lights will show on up there today so it won't go out in this fashion.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this amendment to the Constitution poses a great danger to our system of government as it has grown and developed over two centuries of experiences. I submit that this amendment is unnecessary. Anyone who wants to propose an amendment to the Constitution can find a legislator to introduce a proposal and let us consider the dangers any initiated amendment would have to be passed exactly as written or it would go to referendum exactly as written. There would be no opportunity for amending it and I want to point out to you that this resolution already carries two amendments. The proponents of this measure would have us believe that one of the amendments would guarantee that our Bill of Rights, the most important and sacred part of our Constitution would be forever safe from repeal by initiative process, but what ladies and gentlemen of the House, is to prevent any initiated amendment to the Constitution from repealing this provision which would then, a year or so later, expose the Bill of Rights to repeal by initiative? I can understand the motives of the proponent and I agree that the government of the people should be accessible to the people but this is not the way to do it. Let us not for the love of God expose our basic document, the guardian of our freedom, to the whims and the fancies of what could become more brutal.

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

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I'll be very brief but I think all of us should consider well the situation in which we now find ourselves. We do have a Constitution, it's a good Constitution, we have the privilege of changing it by having good debate and then voting. What we propose to do now is something like this, you give me \$50,000 and I will have petitions out, and so worded, that it will abolish the House and Senate and probably the Judiciary System at the same time, and I guarantee I can get 50,000 signatures because people will sign almost anything just to be polite.

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

Mr. ROLDE: Mr. Speaker, Members of

the House: In regard to the statement of the last gentleman, that may be true that he could get the 50,000 signatures but could he get a majority of the members of both houses to vote for that particular measure?

I had some initial qualms about this bill and I felt that they were satisfied with some of the safeguards that had been built into it particularly the safeguarding of the Declaration of Rights and the fact that any measure would have to receive a majority vote in both Houses of the legislature and I hope you will support it.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I think there's ample protection in this position against poor drafting by the people by requiring 50 percent legislative approval and by anything that's really ridiculous or you know really wild, like the people wanting to abolish their state government, and I think you know, having two-thirds of the people then approve it in referendum after it receives 50 percent of both Houses up here, is an extremely conservative measure and I really can't see how anyone can go on record as opposing, to be against what two-thirds of the people of this state might some day want. I hope you'll support the final passage of this Resolution.

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

Mr. GARSOE: Mr. Speaker, Members of the House: I note a little lack of faith in their own proposal when they separate out the Bill of Rights. There must be some hazard that they see here that the Bill of Rights has got to be protected from this great will of the people. I hope, if we don't kill this today, it's the last time two-thirds is ever going to mean anything in this House, so I hope we can defeat this measure.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I support this bill. I think it's an attempt, a sincere attempt to get more people involved in government. That's what this government needs, it needs a little life breathed into it by the populace in the United States and in the State of Maine. Jefferson was alluded to a couple of times on two different occasions and Jefferson had a sincere belief that the people could govern themselves and I don't think that the people are going to make irrational and improper stands on different pieces of legislation and things to do away with the House and the Senate. I don't think that's going to happen. I believe that they're capable, very, very capable, of making good decisions and I would like to point out that we do have a very good Constitution. There is a clause, however, in here, the necessary and proper clause and it is Section 8 in the United States Constitution that allows us to expand the Constitution, to take into consideration the changes in our society and the changes in our government and I think that the necessary and proper clause is held up in a very famous decision made by Chief Justice John Marshall in 1819 and I think we could look at that and find a necessary and proper reason for making an adjustment in the Constitution.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I would like to address a question to anyone who would like to answer concerning this bill. Well, there are probably two questions. One question is, it is my understanding that anything presented by initiative cannot be altered by the receivers, namely, the House in this instance, if we were to receive an initiative petition that we wanted to make some corrections or alterations in, I feel that it would not be possible to do so, also it has not been made clear to me whether this would be two-thirds of the registered voters or two-thirds of the people voting in that particular election or referendum.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach has posed a number of questions through the Chair to anyone who may answer.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to that question, this legislation requires approval of the majority of both Houses of the legislature in order for the matter to go out to the people at all so that the legislature if the proposal were very poorly drafted, it could simply be defeated in the legislature and it would never reach the people at all. The answer to the second question which is the people voting at the election is that, under this proposal, the measure would have to receive the support of two-thirds of those voting on the question.

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

Mr. HUGHES: Mr. Speaker, Men and Women of the House: I think that there's been a red herring thrown out here about this Bill of Rights. I'm one who is very concerned about the civil liberties of all of our citizens and if I thought this bill, in any way, made it easier to abridge the Bill of Rights that we have protecting us now, I would not support this bill but, first of all, the Bill of Rights, our basic rights are guaranteed to us by our federal constitution whether or not they're in the state constitution so we could take them all out and it wouldn't change the law one bit, on such things as freedom of the press, freedom of speech, and all of those things which we hold so dear but just to be extra careful, they have a worded amendment which specifically excludes the Bill of Rights from those sections which can be amended through this procedure. I'm very well satisfied that this bill will not in any way endanger those rights that we hold dear.

I do remember however, that the gentleman from Millinocket, is someone who is very interested in the Bi-Centennial and this remembrance this year of the Revolution and the situation that led up to that Revolution and I seem to remember from my history something called Redress of Grievances. It would seem to me that to vote against this measure before us we've got to be telling the people of Maine that there's an issue which two-thirds of you feel so strongly that you want to change the Constitution, we are still willing to put our vote in your way for something that you feel that strongly about. Now that really bothers me and I guess when I learned that there was no procedure for initiating changes to the Constitution, I was surprised and displeased to learn that so I am very happy to support this bill and I'm not concerned that it's going in any way, to endanger basic rights of our people.

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

Mr. GOODWIN: Mr. Speaker, Members of the House: As a Representative of two towns in which I have a high regard for the people, I resent some of the implications, made by some of the opponents to this legislation. Those people are not intelligent enough to make a choice on a particular matter affecting their life. I also ask each individual here that if you have that little faith in the people of your District, then look who they elected?

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

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

The SPEAKER: The Gentleman from Lewiston, Mr. Jalbert has posed a question to the Chair to anyone who may answer it, if they so desire.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I assume, if there is anything in the Constitution relating to bond issues which I think there are, as relates to Maine Guarantee Authority, that could be an initiated petition which would require, by the same method, 50 percent approval first in 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, Members of the House: I'm 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.

Now, I asked a question on bond issues because I'm going to make a very flagrant boast here: I am a student of the Constitution. I'm 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'm assured that if we go through such a procedure and if we pass by majority vote and then we go on a bond issue say, and then it's voted even by two-thirds, I want to make certain that we're not going to be hung up after we have spent thousands and thousands of dollars on the planning boards, I want to be sure that we're not hung up by bonding houses.

Now, I also have a fantastic amount of respect for John Benoit. I think this young man 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'm voting. I wish the lady would sit in her seat, I don't get up very often, I'll be down on 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'm voting. If ever a matter, in my opinion, should be given to the Court, this is it.

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

Mrs. NAJARIAN: 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's what he's talking about, the message has not changed. I thought he meant the positions in our constitution applying to those authorities which do mention bonds but I assume the bond issues are the same and I would have no objections if somebody were to table this for two days.

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

On motion of Mr. Rolde of York, the House reconsidered its action of earlier in the day whereby House Paper 1671, Joint Order recalling from the Governor's Office Bill "An Act to Equalize the Offset of Workmen's Compensation Benefits Against Certain Retirement and Social Security Benefits," House Paper 1450, L.D. 1721, received passage.

On further motion of the same gentleman, the Order was indefinitely postponed.

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Joint Order: (S. P. 556)

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill "An Act to Equalize the Offset of Workmen's Compensation Benefits Against Certain Retirement and Social Security Benefits" (H. P. 1450) (L. D. 1721)

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

On motion of Mr. Rolde of York, the Chair took from the Unassigned Table the following matter:

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Taxation on Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1055) (L. D. 1322)

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

Pending — Acceptance of Either Report. On motion of Mr. Drigotas of Auburn was recommitted to the Committee on Taxation and sent up for concurrence.

On motion of Mr. Rolde of York, the Chair took from the Unassigned Table the following matter:

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

Tabled — May 29, by Mr. Rolde of York.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The reason I tabled this Bill Unassigned was that I understand that opinion was being sought from the Attorney General as to whether this was constitutional or not. I saw the sponsor of the bill this morning, he told me he had received an opinion that the bill was unconstitutional; therefore, I would now move the indefinite postponement of this bill and all its accompanying papers.

Thereupon, L.D. 1535 and all its accompanying papers were indefinitely postponed.

Sent up for concurrence.

Off Record Remarks

On motion of Mr. Rolde of York. Adjourned until twelve-thirty tomorrow afternoon.