

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

Monday, June 9, 1975

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

Prayer by the Rev. Berry Fearon of West Gardiner.

The members stood at attention during the playing of the National Anthem by Representative Stephen Gould of Old Town.

The journal of the previous session was read and approved.

**Papers from the Senate
Tabled and Assigned**

From the Senate: The following Joint Order: (S. P. 558)

ORDERED, the House concurring, that "An Act Establishing an Occupancy Tax for Persons Staying at a Hotel or Rooming House," H. P. 1332, L. D. 1644 be recalled from the Legislative files to the Senate.

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Rolde of York, tabled pending passage in concurrence and tomorrow assigned.)

Orders

On Motion of Mr. Albert of Limestone, it was

ORDERED, that James B. Wagner of Orono be excused June 6th and 9th for personal reasons.

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

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Clarify the General Assistance Laws" (H. P. 602) (L. D. 745) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mrs. Clark from the Committee on Business Legislation on Bill "An Act to Amend the Insurance Law to Require the Inclusion of Home Health Services as a Covered Benefit in all Group and Individual Health Policies Written in the State" (H. P. 671) (L. D. 845) reporting "Leave to Withdraw"

Mr. Gauthier from the Committee on Judiciary on Bill "An Act Relating to Commitment of Juvenile Offenders for Habitual Truancy" (H. P. 37) (L. D. 48) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Liquor Control reporting "Ought to Pass" on Bill "An Act Authorizing the Licensing of Indoor Tennis Clubs, Indoor Skating Clubs and Golf Course Clubs for the Sale of Alcoholic Beverages without Requiring the Sale of Food" (H. P. 1631) (L. L. 1906)

Report was signed by the following members:

Messrs. GRAFFAM of Cumberland
DANTON of York
CARBONNEAU of Androscoggin
— of the Senate.

Messrs. IMMONEN of West Paris
PERKINS of Blue Hill
JACQUES of Lewiston
PIERCE of Waterville
DYER of South Portland

TWITCHELL of Norway
LIZOTTE of Biddeford
MAXWELL of Jay
RAYMOND of Lewiston

— 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. FAUCHER of Solon
— of the House.

Reports were read.

Mr. Maxwell of Jay moved that the House accept the Majority "Ought to pass" Report.

(On motion of Mr. Faucher of Solon, tabled pending the motion of Mr. Maxwell of Jay to accept the Majority Report and later today assigned.)

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Revise the Laws Relating to the Administration of General Assistance" (H. P. 892) (L. D. 1067)

Report was signed by the following members:

Messrs. HICHENS of York
BERRY of Androscoggin
GREELEY of Waldo
— of the Senate.

Mrs. MORIN of Old Orchard Beach
Mrs. POST of Owls Head
Messrs. HENNESSEY of West Bath
CURRAN of South Portland
SPROWL of Hope

Mrs. LAVERTY of Millinocket
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-676) on same Bill.

Report was signed by the following members:

Messrs. GOODWIN of South Berwick
LaPOINTE of Portland
— of the House.

Reports were read.

Mrs. Morin of Old Orchard Beach moved that the House accept the Majority "Ought not to pass" Report.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: Unfortunately, this bill, which in other towns would have been a good piece of legislation, is victim of the times, and a victim of the times when everything centers around local control.

I would just briefly tell you about the intent of this legislation. The last session of the legislature enacted fair hearing procedures for welfare recipients on the local level. In most cases, this has worked out very well. There have been some abuses. This particular legislation addressed itself to those people who were aggrieved on the local level because they had no other recourse except the courts. If you were appealing a decision from the local level and you are poor and you are in need of general assistance, you have to find a lawyer and that is costly, and the courts themselves are also crowded. This particular bill tried to offer a fair hearing on the state level to give these people a chance to be heard by a third party, an independent party. If you feel that you can live with this kind of legislation, I would ask that you oppose the "ought not to pass" report.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: I would hope that you would not accept the Majority "Ought Not to Pass" Report this morning and give some consideration to the problems that were outlined by the sponsor of this particular legislation, the gentlelady from Vassalboro, Mrs. Mitchell.

I think there is a fundamental question here that has to be addressed, and that is the question of an impartial process whereby a person who is aggrieved by a decision on the local level. I think that is one of the intentions of this particular bill, to create a mechanism where that person who has been aggrieved by a decision could have another form of recourse rather than going through the courts.

I hope that everybody would turn down the majority report and go for the minority "ought to pass" report and I ask for a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from Old Orchard Beach, Mrs. Morin, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. LaPointe of Portland requested a roll call vote.

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

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

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: This is the time of year when things get pretty hectic and I know everybody in the House has certain bills that they are paying attention to and consequently they may neglect some important items that are on the calendar. This bill, in my opinion, is a very important one, and I think before we vote on it, I would like to hear someone from the committee who voted "ought not to pass" give us some reasons why they felt this bill shouldn't be accepted by the legislature. To this point, we have only had two or three people get up and speak and give you reasons why this bill should be accepted, and I think everybody is just going by what is on the calendar without hearing any of the arguments against the bill. I wonder if maybe we could get into some debate on this issue, but first I think it would be necessary for someone on the committee who signed "ought not to pass" to get up and defend that position.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Since the other members of the committee don't seem to be jumping to their feet, I assume that I must at least give my reasons for voting against this particular bill.

What the bill does is add a third layer of appeal. At the present time, if someone goes and asks for general assistance in their own community and are turned down, they may go their local appeals board, and if they are turned down by the appeals board, under this legislation, they

would be able to go to a state to ask for the town ruling to be overturned.

My feeling on this was that if the state was indeed going to pay in those cases where the communities had decided, after following their own regulations which had been filed and approved by the state, if the state was going to overturn the town's ruling, then the state should pick up the cost of that, and had that been the case, I would have been perfectly willing to sign "ought to pass," but that was not the case. I think what we would be having is a further frustration on the town level where the towns are working, and at least in my area I think they have been doing relatively well, are working with the whole idea of general assistance of setting up guidelines which will be used in every case in trying to come to fair decisions. I think this is not the time now for the state to step in and set up another area where the state can overrule those community decisions.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: Very briefly, I think that the gentleman from Owls Head is incorrect on a couple of points. First of all, the rules and regulations governing general assistance that have been adopted on the local level have never been approved by the state. They are completely drawn up by municipal officers, people at the local level, and what happens is that the person who has applied for general assistance would go to the local welfare department or to the overseer of the poor, whoever is administering the program in the community and ask for assistance. If after they have made out application it is found that according to the regulations that have been drawn up by that town that that person isn't eligible, the only recourse that that individual has is to make an appeal to the town, and in effect what happens, the same people who wrote the rules and regulations are the same people who are hearing the appeal. The intent of the legislation is to make that process a fairer one. If a person is denied by the town and appeals it to the municipal officers and is turned down, then that person, under this legislation, would be given the right to appeal to the State Department of Health and Welfare, and the Department of Health and Welfare would have to follow the local guidelines and would simply make sure that the town complied with its own guidelines when it rejected the person.

It is a very simple issue and it is just to make the general assistance laws fairer.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Connolly from Portland is somewhat mistaken in that the guidelines that he speaks of are not generally accepted throughout the state. We have guidelines in the City of Waterville and we have an appeals board, and it is as far removed from the administration as it possibly could be. The administration, by the regulations set up on the appeals board, has to appoint two social workers. The municipal officers have to appoint two recipients, and the City of Waterville has to appoint two general citizens. None of these people are directly connected with the welfare office, and their decision is final. We have to deny a person in writing, and these are guidelines which have been set down

through Health and Welfare and were approved by Health and Welfare after we made a few changes. So the Department of Health and Welfare, at least in the case of Waterville, has been involved in the setting up of the guidelines.

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

Mr. LAPOINTE: Mr. Speaker, Men and Women of the House: My colleague from Waterville may be describing the situation that exists in Waterville; however, it is not uniform throughout the state. I think the thing that came forward at the public hearing on this particular piece of legislation was that in some municipalities, such as in the City of Portland, my own home town and in some smaller communities, the selectmen are in fact the people who hear these appeals. There is no uniform standard of makeup on these boards of appeal which has the balanced sort of group that the gentleman from Waterville, Mr. Carey, has made reference to as it relates to Waterville. I think that is the important thing here.

My committee colleague, Mrs. Post from Owls Head, has indicated that this would create an unnecessary third level of review. The fact is that it does exist, a third level of review right now, and that is through the courts, and there are a lot of poor people who just don't have the money to hire an attorney to go through the courts. So what this particular committee amendment would do is create this state-wide hearing officer administratively within the department, and these people wouldn't have to go through the courts, they could handle it this way.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to inject myself into this debate, but I am a little bit disturbed about the fact that this year we have made some changes in our laws relating to general assistance. I think we are not giving back the communities the assistance we should be giving them. So we are basically talking here this morning about money which more and more the communities themselves are having to raise. This is community money, local dollars.

It seems to me that this is really not the time for the state to move in and say "Now, we want to tell you how to spend your local dollars." This is probably the year when we shouldn't be doing that. With the new basic formula that we are using on general assistance, I think we would be doing a very incorrect thing and injecting the state over another layer over the community in telling them they don't know how to spend their own money, and I really think we should oppose that motion.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Old Orchard Beach, Mrs. Morin, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Chonko, Churchley, Clark, Connors, Cooney, Cote, Curran, P.; Curran, R.; Curtis, DeVane, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Fraser, Garsoe, Gauthier,

Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kelleher, Kelley, Kennedy, Lavery, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacBachern, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Morin, Morton, Nadeau, Palmer, Peakes, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Raymond, Rideout, Rollins, Silverman, Snow, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Wilfong.

— NAY — Bachrach, Boudreau, Carroll, Connolly, Cox, Davies, Doak, Dow, Drigotas, Flanagan, Goodwin, H.; Goodwin, K.; Hughes, Ingegneri, Jensen, Kany, Kauffman, Laffin, LaPointe, Mitchell, Mulkern, Najarian, Pelosi, Peterson, T.; Quinn, Rolde, Saunders, Spencer, Talbot, Tierney, Winship.

ABSENT — Blodgett, Dam, Dudley, Hinds, Hobbins, Lizotte, Martin, R.; Norris, Powell, Shute, Smith, Wagner, Webber.

Yes, 106; No, 31; Absent, 13.

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

Sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-670) on Bill "An Act to Provide Alternatives to the Compulsory Attendance Law" (H. P. 858) (L. D. 1079)

Report was signed by the following members:

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

Mrs. MISKAVAGE of Augusta
Messrs. GAUTHIER of Sanford
HEWES of Cape Elizabeth
BENNETT of Caribou
HUGHES of Auburn
PERKINS of South Portland
SPENCER of Standish
McMAHON of Kennebunk
— of the House.

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

Report was signed by the following members:

Mr. MERRILL of Cumberland
— of the Senate.

Messrs. HOBBS of Saco
HENDERSON of Bangor
— of the House.

Reports were read.

Mr. Gauthier of Sanford moved that the House accept the Majority "Ought to pass" Report.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and specially assigned for Wednesday, June 11.

Consent Calendar

First Day

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

Bill "An Act to Clarify Title to Land Where Marital Release is Omitted from Conveyance" — Committee on Judiciary reporting "Ought to Pass" as amended by

Committee Amendment "A" (H-673) (H. P. 876) (L. D. 1050)

Bill "An Act to Clarify the Severance Pay Statutes" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-674) (H. P. 1082) (L. D. 1362)

Bill "An Act to Further Define and Protect Surface Sources of Public Water Supplies in Maine" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-677) (H. P. 847) (L. D. 1034)

Bill "An Act to Create the Office of Ombudsman" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-672) (H. P. 267) (L. D. 315)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of June 10, under listing of the Second Day.

**Consent Calendar
Second Day**

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

Bill "An Act Providing Funds to Community Mental Health Centers to Offset Reduced Federal Grants" (C. "A" H-657) (H. P. 1211) (L. D. 1525)

Bill "An Act Providing for the Confidentiality of Certain Records" (C. "A" H-656) (H. P. 613) (L. D. 756)

Bill "An Act to Regulate Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers" (H. P. 1137) (L. D. 1766)

Bill "An Act Clarifying the Title to Real Estate Included in a Divorce Decree" (C. "A" S-261) (S. P. 284) (L. D. 994)

No objections having been noted at the end of the Second Legislative Day, were passed to be engrossed and sent to the Senate.

Bill "An Act Relating to Membership and Qualifications of Executive Director of the Maine Land Use Regulation Commission" (Emergency) (C. "A" S-259) (S. P. 146) (L. D. 509)

On the request of Mr. Cooney of Sabattus, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-259) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act to Require the Commissioner of Agriculture to Report Yearly to the Legislature on Methods of Stimulating and Encouraging the Growth and Modernization of Agricultural Enterprises" (C. "A" S-262) (S. P. 203) (L. D. 670)

On the request of Mr. Rolde of York, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-262) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Passed to Be Engrossed

Bill "An Act to Abolish the Defense of Sovereign Immunity in Certain Situations" (H. P. 1297) (L. D. 1568)

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

**Second Reader
Tabled and Assigned**

Bill "An Act Establishing Educational Requirements for Licensing of Real Estate Brokers" (H. P. 1677) (L. D. 1924)

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

(On motion of Mrs. Najarian of Portland, tabled pending passage to be engrossed and specially assigned for Wednesday, June 11.)

Amended Bills

Bill "An Act Relating to the Procedures for State Valuation" (H. P. 523) (L. D. 640) (C. "A" H-658)

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

**Second Reader
Tabled and Assigned**

Bill "An Act to Clarify Certain Provisions in the Education Laws" (S. P. 418) (L. D. 1375) (S. "A" S-269 to C. "A" S-196) (S. "A" S-232) and S. "B" S-238)

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

Mr. LeBlanc of Van Buren offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-660) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker, I would ask the gentleman from Van Buren if this is the Omnibus Bill for the Education Committee?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentleman from Van Buren, Mr. LeBlanc, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LeBLANC: Mr. Speaker, it is.

Thereupon, on motion of Mr. Carey of Waterville, tabled pending adoption of House Amendment "A" and tomorrow assigned.

**Second Reader
Tabled and Assigned**

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" (S. P. 286) (L. D. 1002) (C. "A" S-235)

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

(On motion of Mr. Cooney of Sabattus, tabled pending passage to be engrossed as amended and specially assigned for Wednesday, June 11.)

**Passed to Be Enacted
Emergency Measure**

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

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. 127 voted in favor of same and none against and

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

**Emergency Measure
Later Today Assigned**

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

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and later today assigned.)

Emergency Measure

An Act Relating to Agricultural Fairs (H. P. 1106) (L. D. 1395) (S. "A" S-249) (C. "A" H-531)

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

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

Mr. HENDERSON: Mr. Speaker, I would like to pose a question through the Chair to anyone who could answer. I am wondering if someone could explain a bit of the background on this bill. I don't know if it has been discussed in the House or not, but I don't recall any discussion. I would like to explain the reason for asking so that someone might explain it to me, and that is, the City of Bangor is currently going to be operating the Bangor Fair this year and another fair will be competing in the same area with that fair. I am wondering if there are any consequences for that in this particular bill? If someone could explain the provisions of the bill, I would appreciate it.

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

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

Mr. MAHANY: Mr. Speaker and Members of the House: The purpose of the bill is to give the commission authority so to regulate dates of the fairs and the distance of fairs competing on the same dates. I think the situation in Bangor is well taken care of. It was discussed. As far as I know, at the present time the racing people seem to feel that this is well taken care of.

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. 114 having voted in the affirmative and none in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

**Emergency Measure
Later Today Assigned**

An Act Concerning the Income Requirements for Class A Restaurants under the Liquor Statutes (H. P. 1296) (L. D. 1567) (H. "A" H-606 to C. "A" H-380)

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

(On motion of Mrs. Morin of Old Orchard Beach, tabled pending passage to be enacted and later today assigned.)

Emergency Measure

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

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

Emergency Measure

An Act Repealing Invalid Rate Provisions and Other Provisions of Questionable Validity Pertaining to Public Utilities Commission Jurisdiction over Sanitary, Sewerage, Sewer, Utility and Water Districts (H. P. 1370) (L. D. 1808) (C. "A" H-552)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Withdrawal of the Town of Nobleboro from the Damariscotta-Newcastle-Nobleboro Community School District, also known as the Great Salt Bay Community School District (H. P. 1612) (L. D. 1893) (C. "A" H-549)

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 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor**Tabled and Assigned**

An Act to Clarify the Laws Relating to Dentistry (S. P. 70) (L. D. 235) (C. "B" S-205)

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 Wednesday, June 11.)

Passed to Be Enacted

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

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

An Act to Amend Certain Eligibility Dates for the Pay Adjustment Granted to Certain State Employees and Officers (S. P. 412) (L. D. 1311) (C. "A" S-229)

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

An Act Concerning the Landlord-Tenant Relationship in Mobile Home Parks (S. P. 432) (L. D. 1418) (S. "A" S-162)

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This bill has come back to us. It was engrossed improperly, I guess, and it is back now from engrossment again. I did question it the last time, but I didn't feel I got a really satisfactory answer and I do object to it.

It seems to me that in this legislature we try very hard to make it difficult for the people who are of medium to low income, who are law abiding, who pay their bills on time. Just the other day we passed a bill that would require these very same people to have to carry people who might have an income much higher than theirs but who refuse to pay their utilities, and today we have this bill before us and I think it is very difficult for a person who owns a mobile home and it is just as bad on a person who is living in a mobile park.

If you look at it, you will notice that there are reasons given why a tenant can be evicted, and one of the reasons is that he doesn't obey federal or state laws and another is that he damages the property, and another can be that repeated conduct upon the mobile home park premises which disturbs the peace and quiet or safety of other tenants in the mobile home park. These are reasons why the people can be evicted, but if you look down further, these people can't be evicted until they have been given written notice and there is a 45-day waiting period.

Just picture, if you will, living in a mobile home park where the homes are very close to each other and you might be living there and you might have young children and there might be someone in the park right next to you who refuses to obey any laws, who uses bad language, is abusive, you have to live next to that person. You have no choice; the landlord cannot put this person out. You have to put up with that person for 45 days, and I think that is being very unreasonable.

So unless someone can answer some of the questions for me, I hope that we can indefinitely postpone this bill and would so move.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, moves that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I find it very difficult, as usual, to oppose the gentlewoman from Auburn. I think the policy issue in regard to the 45-day notice is pretty simple for all of us. If you throw somebody out of a mobile home park, they don't have any place to go. They have got a mobile home; they probably owe people money on it.

I object to this bill too. The reason I object to the bill is because it gives to the mobile home owners just about everything they wanted. That is why the bill is supported by the Mobile Home Association. They think it is a great bill.

Included in this bill, for example, probably the biggest rip-off of all is entrance fees that they charge people. They can still go ahead and charge people \$300 just for changing a name on a ledger, and then they have to charge \$300 again when it goes over. We have all heard these objections. Last session, Attorney General Lund held a series of hearings all over the

state which showed the incredible abuses which exist in this field. But just because I object to the bill doesn't mean that I am going to vote against it. Right now we don't have anything on the books and I think it would be a good idea if we put this thing on, weak as it is, pro landowner as it is, pro mobile home park owner as it is, let's put it on the books anyway and then we will come back and fix it up, because we don't have anything now. At least this is a slow beginning.

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

Mr. CAREY: Mr. Speaker and Members of the House: This is the bill which originally was intended for Judiciary and was released and sent to the Legal Affairs Committee, and it is quite apparent that some people haven't read Committee Amendment "A", which to my understanding is attached to the bill.

We were quite clear in the entrance fee that the entrance fee would not exceed three times the monthly rent. People who own mobile parks have as much right to the regulation of their park, and I have been opposed to mobile park owners operating the way that they have for some time, but people who own mobile home parks have as much right to regulate those parks as the person who owns an apartment house.

The committee that heard the bill spent considerable time on it, and if someone is interested even more in what we have done on it and they want to table it, I will certainly do more work on it so we can better answer some of these questions.

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

Mr. HUNTER: Mr. Speaker and Members of the House: This amendment on it is the one the tenants and landlords got together on and they all thought was good, so we passed it that way.

The SPEAKER: The pending question is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that this Bill and all its accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

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

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

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

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

Enactor**Tabled and Assigned**

An Act Relating to the Expediting of Procedures under the Municipal Employee Labor Relations Board (H. P. 1169) (L. D. 1467) (H. "A" H-636 to C. "A" H-428)

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

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I want to call

your attention to this item, L. D. 1467, An Act Relating to the Expediting of Procedures under the Municipal Employee Labor Relations Board. In the Statement of Fact, it says this bill is designed to solve a very real problem that currently exists by setting the outside time limit in which the board has to act, but I am afraid it is directing its emphasis at the wrong party. While I agree 100 percent that we are seeing some unbelievable delays in resolving problems before the board, I want to call to your attention the fact that we have seriously underfunded this board in the past year while at the same time dumping more work on them.

I have got a bill before Appropriations right now, it is on the table, to create another position and help alleviate it and, frankly, I am not very cheerful about the possibility of getting money for it, and this legislation, as it finally has been amended and ready for enactment, places an intolerable, just an impossible situation on the board. And I would just note that the reason, at least part of the reason for this delay, and admittedly part of it is due to understaffing and the load the board is carrying, but the reason for a great number of these delays are the actions of the complainants themselves, ducking around and filing almost frivolous counterclaims and delay in legal actions really places the board in a position where they just can't possibly live up to these situations.

The proposal adds no resources in order to permit field investigations in order to determine the veracity of a complaint prior to hearing, the proposal is not conducive to allowing for any settlement of the disputes short of a formal hearing. The proposal, and I am quite sure will interfere with the prehearing conference technique that they are just beginning to evolve, and this tends to thin out the issues and more clearly define them and the proposal places a scheduling burden on this agency, which is far more restrictive and discriminatory than that placed on any other agency of similar nature in the government.

I notice that the sponsor isn't here but, nevertheless, I would like to make a motion that we indefinitely postpone this bill and all its accompanying papers, and if someone feels that it would be in order, they might want to table this until later, but I would insist that this is not a piece of legislation that we should pass in its present form.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves that this bill and all its accompanying papers be indefinitely postponed.

Thereupon, on motion of Mr. Rolde of York, tabled pending the motion of Mr. Garsoe of Cumberland to indefinitely postpone and tomorrow assigned.

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

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

An Act to Establish Revised Boundaries for the Capitol Complex Area and to Permit the Capitol Planning Commission to Establish Regulations Relating to Governmental and Commercial Buildings Within the Capitol Complex Area (H. P. 1275) (L. D. 1578) (C "A" H-591)

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

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: In reviewing this bill, I see that it has eminent domain and I also assume that it expands the capitol planning commission, and I am very concerned about that.

I would like to have maybe one member of the State Government Committee explain this particular bill. I know that in our home town of Portland we have a state agency which started expanding and a lot of people in the neighborhood got up tight about it and very concerned about it, and I think that is what this bill does. I think we should take a good hard look at it.

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

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

Mr. LEWIN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question posed, there were two bills that came in pertaining to this subject, and in the amendment, this was taken care of.

This bill simply adds on a portion already being taken care of in this complex. It has been the practice here for taking by eminent domain, but I am sure that those who have participated have been taken care of financially on the matter.

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

An Act to Establish a Sign on the Maine Turnpike Near the Augusta Exit to Indicate the City of Hallowell and to Provide for Signs Denoting "The Maine Gold Star Memorial Highway" (H. P. 1309) (L. D. 1588) (H "B" H-624)

An Act to Require the Carrying of a Concealed Weapons License when a Concealed Weapon is Carried (H. P. 1301) (L. D. 1602) (C "A" H-524) (H "A" H-582)

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

An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs (H. P. 1491) (L. D. 1739) (H "A" H-619 to S "B" S-206)

An Act to Codify the Charter of the Portland Water District (H. P. 1345) (L. D. 1802) (C "A" H-560)

An Act to Revise the Fish and Game Laws (H. P. 1425) (L. D. 1817) (C "A" H-457) (S "B" S-222)

Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Lot in Trescott, Washington County, to Clarify Title and in a Lot in Richmond, Sagadahoc County, to Clarify Title (H. P. 954) (L. D. 1193) (S "A" S-256)

An Act to Amend the Charter of the Ogunquit Sewer District (H. P. 138) (L. D. 176) (C "A" H-551)

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

Enactor Tabled and Assigned

An Act to Provide Special Designating Registration Plates for Certain Veterans (H. P. 450) (L. D. 557) (H. "A" H-598) (C "A" H-565)

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

(On motion of Mr. Theriault of Rumford, tabled pending passage to be enacted and specially assigned for Wednesday, June 11.)

An Act to Establish the Maine-Canadian Exchange Advisory Commission and Office (H. P. 728) (L. D. 903) (H "A" H-605) (C "A" H-593)

An Act Amending the Employment Security Law (H. P. 811) (L. D. 973) (C "A" H-545)

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

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

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

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

An Act to Establish the Salmon Falls River Watershed Advisory Committee (H. P. 1014) (L. D. 1295) (C "A" H-559) (H "A" H-613)

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

An Act to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-offenders (H. P. 1114) (L. D. 1416) (C "A" H-474) (H "A" H-555)

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

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

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

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

House Amendment "B" to Committee Amendment "A" (H-682) was read by the Clerk.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: The amendment you have before you, the only purpose of it is, in the employment section of the Human Rights Act, this amendment would permit an employer to refuse to hire or terminate the employment of any person with a prior conviction for any offense whenever that conviction is directly related to the job in question. It would allow them to inquire and refuse to hire on the basis of an offense which is directly related.

Thereupon, House Amendment "B" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendment "B" and House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A"

and House Amendment "B" thereto in non-concurrence and sent up for concurrence.

Orders of the Day

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

House Divided Report — Majority (10) "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) — Minority (3) "Ought to Pass" in New Draft "B" (H. P. 1665) (L. D. 1918) — 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)

Tabled — June 5, by Mr. Rolde of York.
Pending — Acceptance of either Report.

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

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

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

Tabled — June 5, by Mr. Rolde of York.
Pending — Passage to be Enacted.

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

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

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 — June 5, by Mr. Rolde of York.
Pending — Adoption of Committee Amendment "A"

On motion of Mr. Rolde of York, retabled pending the adoption of Committee Amendment "A" and specially assigned for Wednesday, June 11.

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

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

Tabled — June 5, by Mr. Berry of Buxton.

Pending — Passage to be Enacted.

On motion of Mr. Kelleher of Bangor, retabled pending passage to be enacted and specially assigned for Wednesday, June 11.

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

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

Tabled — June 5, by Mr. Carey of Waterville.

Pending — Motion of same gentleman to Indefinitely Postpone the Bill and all Accompanying Papers.

On motion of Mr. Carey of Waterville, retabled pending his motion to indefinitely postpone and later today assigned.

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

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

Tabled — June 5, by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Raymond of

Lewiston to Indefinitely Postpone House Amendment "A" (H-648) to Committee Amendment "A" (H-553).

On motion of Mrs. Clark of Freeport, retabled pending the motion of Mr. Raymond of Lewiston to indefinitely postpone House Amendment "A" to Committee Amendment "A" and specially assigned for Wednesday, June 11.

The Chair laid before the House the seventh 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 5, by Mr. Greenlaw of Stonington.

Pending — Passage to be Engrossed as amended.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I have been waiting for some information from the Attorney General, and he has promised me he will have that available tomorrow, and if we could have it tabled for two more days, I am sure at that time we can move it on.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending passage to be engrossed as amended and specially assigned for Wednesday, June 11.

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

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

Tabled — June 5, by Mr. LaPointe of Portland.

Pending — Passage to be Engrossed as amended.

On motion of Mr. LaPointe of Portland, retabled pending passage to be engrossed as amended and specially assigned for Wednesday, June 11.

The Chair laid before the House the ninth 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 5, by Mr. Morton of Farmington.

Pending — Passage to be Engrossed as amended.

On motion of Mr. Morton of Farmington, retabled pending passage to be engrossed as amended and later today assigned.

The Chair laid before the House the tenth 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 5, by Mr. Birt of East Millinocket.

Pending — Acceptance of either Report.

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

Mrs. BOUDREAU: Mr. Speaker, I move we accept the Minority "Ought to pass"

Report of the committee, and I would like to speak to my motion.

The SPEAKER: The gentlewoman from Portland, Mrs. Boudreau, moves that the House accept the Minority "Ought to pass" Report.

The gentlewoman may proceed.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I made the motion to accept the Minority "Ought to pass" Report so that we can get this bill to second reading where it will be amended and it can be thoroughly discussed at that time.

Several New England states have shown an interest in a regional primary. The amendment we are preparing will deal with that issue, so I do hope you will let this go to second reading and then it can be thoroughly debated.

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

Mr. JALBERT: Mr. Speaker and Members of the House: If my memory serves me correctly, I once put in a measure for a presidential primary and since then I have wised up a little bit and gotten a little grayer. I have taken part in several of these primaries. I have traveled far and long, I have seen actions that are truly unbelievable. For instance, a candidate by the name of Yorty two years ago, I accosted him right on the street and asked him, "What are you doing in this primary?" Well, I am here with money from the other party that you don't belong to to try to kill off your man. By the same token, I went to some people who were just in there to get some publicity, others were in the program to merely get funds, others were pushed into the program by real professional promoters, and there is a vast difference in professional promoters and promoters and a professional politician or a politician.

I spent a great deal of time in a neighboring state and really and truly, if you really and honestly want to positively see a three-ring circus at its best, you just be in any state where there is a presidential primary — anything goes. And when I say anything goes, I mean anything. I have seen people come into headquarters of candidates and they just pick up the phone and they will call everybody in American and in other countries and the tab is paid eventually, believe me, by John Q. Public, and then when it dwindles down the candidates, then afterwards there were fund raisers for the fund raisers, and it goes on and on down the line.

I shall never forget calling the Honorable George Mitchell, who was our own national committeeman, to tell him that the man who was heading the Muskie campaign was in fact a Nixon employee. It took me a long time to prove my point, but in the Ervin hearing the name finally came out.

I wish I had with me a paper that I wrote entitled "It Started and Ended in New Hampshire." I can recall one evening when an honest effort was being made to promote the candidacy of a Maine man, and whether there might be those who might not be politically inclined to go along with the presidential candidate, whose name happens to be the Senior Senator from Maine, Edmund Muskie, certainly one would have to respect his honesty and his integrity, and to see a room loaded with people, bottles and beer barrels and beer barrels and bottles, they were talking about everything but the candidate, and after the speaking program

was over, they continued their mooching from one room to another in whatever hotel they felt was best suited for them.

My thoughts and my thinking of advance men, ever since I have been in politics, has been minus zero. I had a little experience myself. I had a couple of advance men that came to me right here in Augusta in 1968 to extol the virtues of Edmund S. Muskie, and just out of curiosity, I entertained them and all they wanted to do was to use my phone in my room and imbibe my liquor, which didn't bother me in the least, because I was curiously interested in what they had to say. They were advance men for the Senior Senator from Maine, who I personally, back in 1946, encouraged to run for the legislature from Waterville, who I knew then and I know now very, very intimately. There should be a book written. It is only to my sorrow that I didn't have a recorder somewhere to record some of the things that were being said about this man that they were the advance men for. I didn't recognize that it was Senator Edmund S. Muskie.

I can recall about \$35 worth of phone calls. The first thing they do when they land, they get \$20 a day usually from the candidates, and the first thing they do when they get somewhere, if they are an advance man who was just sent out, is to look for live ones and today they are pretty successful in finding them and I think they do more harm to a candidate than anything else. I think the people who can do the most good for candidates are the people who know the candidates and the people who are working for a candidate, after having been acquainted with him and what his record is.

The last thing that I would want to do would be to have Maine get themselves involved into such a situation. And while I am at it, Mr. Speaker, I certainly wholeheartedly endorse the remarks that you made a few minutes ago off the record — we are here to work — I am — you are, and I so stated on the floor and I have stated publicly the dedication and the hard work that all of the members of this body enjoy, but there is such a thing as delaying the hard work. The dedication is there, but they delay the hard work by using different ways that some of us might have thought of a few days ago, such as let's keep this bill alive until tomorrow or its next reader so we can amend it. I have a very easy way to shorten the situation. This thing has got about as much chance to pass as I have got in turning into a Wasp. I want to retain a little of proud Canadian blood that runs through my veins, although I have a tremendous amount of respect for the Wasps, because I am closely associated with one on the coast of Maine, and I can see the gentleman from Waldoboro smiling. Let's not stay here forever; let's not debate forever measures that we know are doomed.

Mr. Speaker, I move that this bill and all of its accompanying papers be indefinitely postponed, and when the vote is taken, I ask for the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion to indefinitely postpone this bill at the present time. I was a signer of the "Ought not to pass" Report, but since that report came out, there have been some

developments that I think probably should be given at least some consideration.

A week ago last Thursday, there was a meeting held in Boston of three states, Rhode Island, Vermont and Massachusetts, primarily to consider a regional primary. Maine was a participant in that, in that they attended the meeting. The Secretary of State and a couple of other people in his office attended the meeting to discuss the possibility of a regional primary.

There has been for a long time, a feeling among many people throughout the country that there should be a national primary presidential primary, to give some indication of the delegates at the convention. I have always had some horror of what kind of a situation that would develop into and whether only a Rockefeller or a Kennedy might be able to participate in it because there would be a tremendous cost.

Lately, there has been the concept come out and has been some mention in Congress of developing regional primaries throughout the country in which the candidates could take an area at a time, and this I think does have some merit and I think the meeting that was held in Boston makes some sense. Now, at that meeting it is my understanding that one state, Vermont, is primarily locked into a March 2 date. The amendment that the gentlelady from Portland, Mrs. Boudreau, would propose would give us a chance to look at the whole picture, would give the background of that and setting up two possible dates as I understand it. I think that we can at some later time make a final decision as to whether we want to get ourselves involved in the process of a regional primary at this presidential election.

I would like to see the whole picture presented so we can look at it and make some decisions, understanding just exactly what might be involved, before we go any further. So I would hope you would not accept the "Ought Not to Pass" but then would accept the Majority "Ought to Pass" Report and then we can take a look at the picture and if later on we decide we don't want to go in that direction, we can dispose of the bill then.

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

Mr. JALBERT: Mr. Speaker and Members of the House: My good friend from East Millinocket, Mr. Birt, mentions a regional primary. I know that he works very hard when he gets back to Millinocket and I know that he spends a lot of time here, so possibly reading the newspapers or listening to or watching TV escapes him. That great statesman from New Hampshire has already stated that he would lay awake nights and he would work and see to it that New Hampshire would have the lowest date of any state in the union on any primaries and he has been quite firm about that. There are only two things that this thing does. It just promotes people for themselves and, in my opinion, it is just creating some horrible problems everywhere. As a matter of fact, I feel that these primaries should all be eliminated. I think they are bad, and when the gentleman himself can't help but smile when I look at him and even get the thought of — can you imagine a regional primary. If you ever have a rhubarb now, you have a Maine primary, but can you imagine us into a regional primary with Maine and Vermont. If you really want a

full-fledged rhubarb on your hands you go into that. I have gone into every bailiwick in New Hampshire and loved it without talking politics. I have gone into every bailiwick in Vermont and loved it without talking politics and needless to say, no one can go in all of the nice spots in Maine without loving them.

I have got to tell you just exactly what presidential primaries do, I have got to tell you this one because it is a classic. I got a call from a woman who was working for the Senator in the primaries and of course New Hampshire has a great many people who are of Canadian extraction, God love them, and they are inclined to be a little bit conservative. So the lady who was in charge of the program for the Senator, and I like her, but she had just got through with Senator Eugene McCarthy two years before and I figured she has got two strikes on her and the third one is already going into the catcher's mitt, but in any event, this highlight they brought in from Chicago met her and two or three other people and he decided to hire her and I can't remember this joker's name but I probably will as I go along. It is just as well that I have forgotten it anyway because he is the man I said was actually on the other side of the fence.

So George Mitchell said to me, I want you to go into New Hampshire and I want you to meet this lady, who was a very gracious lady, who would make George McGovern look like an absolute conservative (and that doesn't go too far in New Hampshire not only with the Americans of Canadian ancestry but there is a guy by the name of Lowe who doesn't take too kindly to those things) so in any event, he said I want you to meet this head beagle. I got in there on my own — now this is no expense account affair, the only expense account was coming out of my own pocket, with a little beefstewing from home on account of it but anyway, I left bag and baggage, checked in at the hotel, my appointment was for the next morning. I got there very early in the morning because I left very early that morning and I went around to headquarters, I went around to talk to people, I would meet somebody and say "I see you have a certain button on, what are you doing" I would say "Yes, I'm getting \$35 a day, I said "I'm not really for this candidate but I work but you know I'm getting \$35 a day."

Manchester is a great place for clubs as a matter of fact, believe it or not, in one precinct that I went to in Manchester, you voted here and there was a big curtain here and over here was the bar. That is accommodations. I mean, it is good if you live in that precinct, I mean if you've got the wherewithal, you're elected by a cinch.

I saw this gentleman at the headquarters and I am there just to see him, I had an appointment with him. At the time, the Honorable Severin Beliveau, Chairman of our party, I happened to meet him late that evening, but in any event, the whole day goes by, my appointment is at ten o'clock the next morning with this man and I am sitting down with Severin having breakfast the next day waiting to see this man, I saw this fellow come toward me — Podesta — the name has just been sent to me. So I see this gentleman with black around the collar, no necktie, ring-tipped shoes, no jacket, a bunch of newspapers under his arms, walking towards us — Tony Podesta, that's it. Severin introduced him to me and he says to the

gentleman "well, what are you going to do today"? "Well, I'm going to Franklin."

"I had come from Lewiston, Maine the day before, I stayed there all day and in the meantime, of course, I must look like a mark because I picked up my certain amount of checks before the day was over. I think one round went for about 42 bananas and I'm sitting there, I don't drink, I don't smoke and I'm saying to myself, what is wrong with me? I can just wait till these jokers blink their eyes and I'll have their stockings in my pocket and their shoes will still be on with their shoelacings tied and here I am being taken. He's going to Franklin. Then I blew, Ala Louis, and I reminded him of an appointment. He said, "Yes, I will call my secretary and I will find out," and I got up there and I assure you he didn't call his secretary. The next time I heard about Mr. Podesta was when I heard his name which came out during the hearings of the Ervin Committee. That, in my opinion, is what I would call a good, sound, solid piece of operation and the gentleman from East Millinocket, now wants us to whittle on, keep this alive and then we'll form a tri-state primary, fine, he is going to bring Massachusetts in. If you want a re-revolution on your hands, it will make the Boston Tea Party look like a picnic and the next thing, he will bring in Rhode Island or Connecticut and when that happens, then I am leaving for Virginia.

I am very serious when I tell you I have had a tremendous amount of experience with these things and they have all been bad and I don't want to continue the levity. It is not my habit to stand here and take up too much time, but if you believe me in anything, please believe me in this one, I would put this thing here as absolutely the worst bill that has been put into the legislature. Maybe the other worse one would be probably to eliminate me, but until that happens this rates as number one on my totem pole and I certainly reiterate my motion to indefinitely postpone, for the roll call and, Mr. Speaker, these will be my last remarks.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not quite sure when I heard the gentleman from Lewiston say this was the worst bill, I think it was single-member districts, however, and I hope that this particular bill has the same fate as that. I disagree strongly with the gentleman from Lewiston that this is such a bad bill and that we should just move it along. I think we ought to pass it soundly this morning and continue to do it.

I was one of two people who attended a meeting about two weeks ago in Boston to discuss the concept of a regional primary. I attended it with Mr. Ted Soucie of the Secretary of State's office, who is in the gallery today listening to our remarks, and I don't have a long story about my involvement in New Hampshire and other primaries to tell you. I will just try to tell you what transpired at that meeting, what is going on in other states, what I feel; the merits of this particular bill are and why I hope that you will give it passage.

We did meet just about two weeks ago and had the experience to meet in the office of the President of the Senate, Mr. Kevin Harrington, and I think those of you who were here last session will remember the rhubarbs, to use the gentleman from Lewiston's word, about credenzas in the President of the Senate's office, and if you

should ever have an opportunity to see Kevin Harrington's office, I would call it credenza heaven because it is quite a lavish room, probably half the size of this one, but in any case the room was filled with people from all over New England who had come to this meeting because each of them in their own state was interested in presidential primaries and in the State of Vermont, they have already set a primary date of March 2, which is their town meeting date. That bill is hanging one step away from enactment in the House, it has already been enacted in their Senate, when they return in January. Vermont is now out of session but they report that the bill will be enacted when they go back into session in January.

The State of Rhode Island has passed a primary bill and set the primary date in June; however, the Lt. Governor of Rhode Island, Joseph Garety attended the meeting and indicated that he felt that Rhode Island would be very favorably inclined toward a regional primary and when they went back into session — because they are out of session now — in January that they, too, probably would give favorable consideration to this concept.

The State of Massachusetts has a bill Pending in their legislature, which we are told should receive passage, which would give the Secretary of State some leeway in setting a primary date in March or approximately some time around there.

Maine has a regional presidential primary bill which proposes to set the date at the same time as Massachusetts, but since that bill has been introduced, there has been a great deal of activity in the other states, all of it quite spontaneous, on the concept of regional primaries, and so our Election Laws Committee is proposing, or will propose tomorrow, that we amend our bill to give our Secretary of State, Mark Gartley, the same kind of leeway to establish a primary date on or about that March 2nd time. If it doesn't work, if it doesn't look like we can cooperate with other states, then we will be back in session and we can certainly make a change or repeal it.

I share with Mr. Jalbert and others I am sure who are uneasy about the idea of a primary or a regional primary, I share some of the reservations about bringing in lots of politicians and bringing in lots of money and pressuring the people of Maine into making some kind of a decision which they don't want to make, but the bill, and I would talk specifically to the bill right now, calls for an Advisory Presidential Primary. The political parties are still going to be involved. The conventions are still going to have the final decision; however, I think you and I know that when the people speak in a presidential primary, it will be an ethical responsibility of the parties to reflect their wishes in the delegate election process.

Now, I would like to speak a little bit to the idea of the bill, the regional primary concept, as to why it would be good for Maine. The perspective of the presidency is not one that goes just to local parochial issues. The President of the United States has to look out over this whole country and make decisions and he makes decisions that go across state boundaries. His perspective is regional and I think that the idea of a regional primary coincides beautifully with the perspective of the presidency.

Let me just give you an example of an

issue where New England people have a regional common bond and that is on energy, on oil. You know and I know how much foreign oil we have to import, you know what it costs the businessman here in cold northern New England, and you know that the President, and I am not trying to make this partisan, but he has raised the tariffs on oil and you know what that is going to do to us next winter. I would like to have the President of the United States and other people who wish to be president come and address us on the subject of oil, not just Maine but all of the other neighboring states who have the same common problem. It is a regional perspective as an office and we as a region should make this selection process regional.

Another point which rather attracts me to the idea of having it around town meeting time is that if we are going to bring attention to the New England region nationally, then what better time to do it than at town meeting time, that great American institution of the town meeting held in the cold, wintery month of March is an ideal time to bring these men and women into our region to campaign.

Mr. Jalbert has talked about all of the political hanky-panky that goes on in New Hampshire and how terrible it is and how we don't want to bring that to Maine and how we don't want to impose that on our people, we don't want our people voting, making their own selection, being under that kind of pressure. They don't have the intelligence to make the decision with that kind of pressure. You and I have all been to political conventions, I am sure and heaven forbid that there was ever a hospitality room at a convention with liquor flowing by some candidate running for the presidency. As a delegate, I never got a call from presidential candidates who wanted me to vote one way or another, I never got any pressure and I am sure none of you ever did when you went to a political party convention. I say which is worse, leaving it within the few hands of the professional politicians or at least allowing the voters to make some statement as to who they would like as their presidential candidates?

Now, I will offer you another thought that has come to me and I think this one is one of the most attractive of all. We have all seen people turned off to political parties, here in Maine as much as any place, but you know that there is another thing that happens at about the same time as our New England town meeting and that is our municipal caucuses. It may not be right, but most people vote in presidential elections, they don't vote in their town elections, they don't vote in bond issue elections, they don't vote in other elections, but they vote in national elections. They get interested in the presidency, and I think that we would generate a great deal of citizen activity in both political parties that we don't have now and I believe we sorely need by having a primary at a regional time, and your town meeting time, when people are going to get involved in a presidential primary, they are going to be attracted to candidates, they are going to be recruited and volunteer and then they are going to get into the actual process, they are going to go to those caucuses that are so frequently sparsely attended and they are going to go to the conventions and be interested in county meetings and interested in state committees and

interested in all the things that we just don't have a lot of interest in right now.

So from a citizen's participation point of view, I think the idea of a regional primary has a great deal of merit and I might give you an example of one town in Vermont. Three years ago or four years ago, they had an advisory presidential primary as part of their town meeting ballot. It obviously didn't mean anything but they just did it because they wanted to. Their voter turnout tripled, so I think that we can be fairly safe in saying that the people of our state will respond and be interested in the idea of having something to say about their presidential candidates that having it in the March time would be a good time to have it. We are trying to work with other New England states in bringing about a March date, and I sincerely hope that you will find some merit in the proposal, hopefully enough merit to pass the bill, but if not, at least to move it along so we can have fuller discussion and you can have a chance to think further about it. But I sincerely hope you will not go along with the personal recounts of the good gentleman from Lewiston and indefinitely postpone the bill. He has spoken very warmly of the Senator and I might say that the Senator happened to be in the room the day after the meeting occurred in Boston where we discussed the regional primary and he was asked what his opinion of the idea would be and he said it was an excellent concept and would favor it.

I might add that we have 30 primaries coming up in this country right now. Maine is not one of the states where the people are going to be able to vote, but 30 states, a majority of the states, will have primaries, and as more and more states adopt primaries, the people in Washington are going to start saying that what we need is a national primary, it is just too hectic, it is to start campaigning. Nothing is more to state campaigning. Nothing is more horrible to me than the idea of a national primary election or to have the federal government impose on our region presidential primaries. I would prefer that you and I would make the decision and that we would cooperate with our neighboring states and that the decision would be ours, not the federal governments.

There are a couple of other points that I would just toss out to you. The presidential primary is a good thing economically. Are you aware that in New Hampshire, I am told, that the presidential primary in a presidential year is their 13th largest industry and to the hotel and motel owners to the restaurant operators, to the newspapers and radio stations and television stations, to the printers, to a lot of industries, the presidential primary is a good piece of business, if it were held in March, at a season when they don't have a great deal of business. So I sincerely hope that you will find some merit in this proposal and give it passage.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: As one of the majority signers of the "Ought Not to Pass" report on this bill, I would go along with the motion of the gentleman from Lewiston, Mr. Jalbert, of the indefinite postponement. I think you only have to ask yourself, "Do the people that you represent want longer campaigns or do they want shorter campaigns?" I think one of the most common complaints that I heard from my constituents when I was running

for office last fall was the time that the elections lasted through the summer months.

Now, if we adopt these presidential and vice-presidential campaigns here in the State of Maine, this campaign will start probably in November or December of the prior year to the election and will last right up through to June. It doesn't matter what this region, the State of Maine, Vermont, Massachusetts, Connecticut, Rhode Island does, New Hampshire has already said no matter what we do, when we have the election, they are going to have their primary elections one week earlier than any region has theirs, so I think we are just whipping a dead horse here and I would go along with indefinite postponement.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I have always liked circuses, the motion pictures, theatrical productions and the like, but not to the extent that these presidential primaries go. Presidential primaries carry pageantry to extreme lengths. One goal sought by presidential primaries is to get an early idea as to which candidate is leading the way over the others. That doesn't mean a thing. The tide can always turn and often does. These spectacles are a waste of money, time, and effort.

I, too, signed the "Ought Not to Pass" Report and have not changed my position. I urge strongly the indefinite postponement of L. D. 1212.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the committee members guilty of signing the "Ought to Pass" Report. I did so because, for one, I considered this a very important issue, one that should be decided in the House as opposed to those of us in the committee alone. Also, the regional concept does have an appeal to me, I think it has promise. I would like to see us wait until the amendment is submitted for our consideration so that we would have the complete package and at that time, we can decide by vote whether or not we want to accept this particular bill.

I think rejecting it at this time would be premature and so I would urge you all to vote against indefinite postponement until we get the bill in its complete form, with the amendment, and we can take a look at it and can decide at that time whether or not we want to accept it.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: A point of information. Where a primary or any election costs considerable amounts of money, shouldn't there be money on this bill?

The SPEAKER: If the gentleman is asking the Chair, the motion to amend would be in order at second reading, if a fiscal note is required.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: First, we come out with the committee bill and after the committee bill comes out, now on the floor of the House, by amendment we come out with a brand new bill. Why wasn't this regional situation discussed in the first place? First it was for Maine, now it's regional.

I heard the good gentleman from Sabattus, Mr. Cooney, come out and say, I would abhor a national primary but there are 30 states that have them. We want them here, we now want them regional but I don't want a national thing, but we want it here in Maine. The only way that I can answer that is this, that Barnum was certainly right when he said there is a sucker born every minute.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: If Mr. Jalbert is inferring that the House of Representatives is going to be suckered by voting for this, I sincerely hope that that is not the case. I don't think it was his intention to leave you with that thought.

This bill was presented as a regional primary approach in its original draft. The sponsor, which I am, originally hoped that we could establish a Northern New England Primary and I have had some conversations with people in other states to work toward that end.

As you know, the people of New Hampshire or the leaders of New Hampshire don't want to talk about this subject. In fact, they are very nervous and very upset that we are talking about it right now because they may have a primary that would be the earliest in the nation but our New England primary would follow theirs by just a few days and we have them surrounded.

This regional primary proposal was in the original bill, but it couldn't be tied to New Hampshire and I couldn't at that time get any effective communication going with the people working in Vermont and so I, for the purpose of debate, for the purpose of having the concept proposed to this legislature, I tied my proposal to the Massachusetts date, which at that time was in May.

Massachusetts, as I have just told you, is giving their Secretary of State some leeway to set a date with other New England states, that is a proposal that will be offered to you tomorrow.

I think it is an effective step to take. If we find that we aren't going to be able to go into a regional primary or things develop in such a way that this House, for any reason, wants to turn back from this side here, we can always defeat this idea before it occurs when we come into session next January. The concept was offered. Mr. Jalbert obviously didn't see the original bill and didn't read it, but it offered a regional primary, that was the testimony at the public hearing, and I believe it has been explained to you well enough this morning.

I sincerely hope that you vote against indefinite postponement.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Earlier in this debate, the gentlelady from Portland, Mrs. Boudreau, asked that we not debate this issue and I was perfectly willing to go along with that. However, I think now it has been debated and I think now probably the gentleman from Lewiston, Mr. Jalbert, is correct, let's go no further with it. There is no necessity to take this thing to second reading. Bills of this nature have been here as long as I have and probably a lot longer than that and they have all gone the same place and that is why today we don't have a presidential primary.

I might suggest that if you really want to endear yourself to your constituents, give

them something like this, then go back home and say, hey, guess what I did for you today. I made it possible for you to have one more election, I made it possible for you to buy all kinds of tickets to all kinds of fund raising things, for all kinds of candidates to clutter up your television screens and to harass you to no end and there is no question that that is exactly just what will happen if you have a presidential primary in the State of Maine. You have seen it in other states.

I was quite amused when the gentleman from Lewiston said this was the worst bill that he had seen. Then the gentleman from Sabattus jumped up and said it was a very good bill — well, I think it is a very unnecessary bill and I think it is unnecessary to go much further with it, so I urge the indefinite postponement.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those, and I am sure there are others here who have spent some time slogging in the snow in New Hampshire working for candidates we favor. Like some of you others and like the gentleman from Lewiston, I was in New Hampshire working for Senator Muskie of Maine in the last election and I am a little surprised that the experience of New Hampshire is such as to make the gentleman oppose this bill for Maine because it seems to me that what I learned in New Hampshire would make me favor this bill.

The one argument which I think hasn't been expressed which I think is very important is that right now New Hampshire has the primary for New England. In effect, the voters of New Hampshire express an opinion which has a national effect and which opinion represents what the rest of us think in New England. We don't have much choice in that and not much rule in it. Yet, New Hampshire is not a typical state to represent New England in terms of national politics and one reason that it is not typical, it is served by only one major daily newspaper, a newspaper which has an editor who is very politically active and who bends over backwards not to show objectivity in the election campaigns, and it seems to me that we ought to if we are going to have a primary to tell the nation what the people of the northeast think about candidates, we, the people in Maine, ought to have a role in that and that a regional primary could be a valid showing of what a region thinks and there are regional approaches to things and regions do differ from one to another in this country.

So, I think this would broaden the New England role in helping to choose a president. I think our people like this kind of thing. I don't think they will blame us for giving them another election because I have seen that whenever there was a chance for the people to express themselves on their presidential choice, they enthusiastically took that chance. If you will look at your caucus printouts, for example, in presidential years as compared to non-presidential years, I think you will see evidence of that.

I think this is a good bill and I urge you to defeat the motion to indefinitely postpone it.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those persons who signed the Majority "Ought

Not to Pass" Report on this particular piece of legislation and although we have had some discussion on it, I am going to vote against the motion of indefinite postponement, probably mainly for the reason out of courtesy to the gentlelady from Portland, Mrs. Boudreau, who is Chairman of that committee, that this at least get a second reading.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that L. D. 1212 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Blodgett, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Churchill, Cote, Cox, Curran, R.; DeVane, Doak, Dow, Dudley, Fenlason, Finemore, Fraser, Garsoe, Goodwin, H.; Gould, Hennessey, Hewes, Hunter, Immonen, Jackson, Jalbert, Kelleher, LaPointe, Leonard, Lewis, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McMahon, Mills, Miskavage, Morin, Morton, Nadeau, Perkins, T.; Peterson, P.; Raymond, Rollins, Shute, Silverman, Strout, Stubbs, Teague, Theriault, Torrey, Truman, Twitchell, Walker, Webber.

NAY — Bennett, Berube, Birt, Boudreau, Carroll, Chonko, Clark, Conners, Connolly, Cooney, Curran, P.; Curtis, Davies, Durgin, Farnham, Faucher, Flanagan, Gauthier, Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Higgins, Hobbins, Hughes, Hutchings, Ingegneri, Jacques, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Lovell, Mackel, McKernan, Mitchell, Mulkern, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Quinn, Rideout, Rolde, Saunders, Snow, Snowe, Spencer, Sprowl, Talbot, Tarr, Tyndale, Usher, Wilfong, Winship, The Speaker.

ABSENT — Dam, Drigotas, Dyer, Farley, Hinds, Littlefield, Lizotte, Martin, R.; McBreaity, Powell, Smith, Susi, Tierney, Tozier, Wagner.

Yes, 67; No, 69; Absent, 14.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-nine in the negative, with fourteen being absent, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted, and the Bill read once.

Committee Amendment "A" (H-550) was read by the Clerk.

On motion of Mrs. Boudreau of Portland, Committee Amendment "A" was indefinitely postponed and the Bill assigned for second reading tomorrow.

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

An Act Relating to the Maintenance of Vital Records. (S. P. 322) (L. D. 1099) — In Senate, Passed to be Engrossed as

amended by Senate Amendment "A" (S-170)

Tabled — June 5, by Mr. Rolde of York.

Pending — Passage to be Enacted.

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

Mr. CURRAN: Mr. Speaker, I now move the indefinite postponement of this bill and all its accompanying papers and would speak briefly to my motion.

The SPEAKER: The gentleman from South Portland, Mr. Curran, moves indefinitely postponement of the Bill and all its accompanying papers.

The gentleman may proceed.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: This L. D. came from the Committee on Health and Institutions to the House with a (10) "Ought Not to Pass" and (3) "Ought to Pass" Report.

I was one signer of the "Ought Not to Pass" Report. I see this as a very unnecessary piece of legislation. Let me explain for just a second what the L. D. is all about.

The L. D. gives an extension to communities within the state of populations of 25,000 or more for making their reports to the state on birth and death and marriages. In effect, the L. D. pertains to three cities, Bangor, Lewiston, and Portland and possibly a couple more.

The problem with the bill, and it has been amended in the other body to change it from its original form, prior to the end of the month back to between the 10th and 15th to the 25th. The problem is that what we are working under here is a federal contract that requires the state, on the other hand, to get the vital statistics to the federal government. The three cities that I mentioned comprise about 25 to 30 percent of the workload that the vital records people here in Augusta have to microfilm and send on to Washington.

Following Parkinson's Law and being a school teacher, I know very well that when you give people extensions, very much like on a term paper, they usually take the extension and still get the work completed in the last few days.

At the hearing, one of the problems that was expressed by one of the city clerks was that the hospitals, nursing homes, doctors, anyone else who is going to fill out the information to turn in to city hall, were making a great many typing errors and mistakes that had to be corrected. So as I see the problem here, is to work at the other end and not botch up this end of the process of putting in our vital statistics.

The City of Bangor has no objection to the present law, as far as I know. The bill came into the House, I tabled it for two days to go back and talk with the Department of Health and Welfare, the Bureau of Vital Statistics, and I got a call from the Governor's Office and the sponsor of the bill had gone down to talk with them and they asked that I table this piece of legislation for a week while they attempted to amend the federal contract. The first thing that came to mind was that nobody is going to amend a federal contract in a week, but I gave them the week and a few days more and I have not heard back. They were working with Mr. Smith and Mr. Shapiro in the Governor's Office to amend the federal contract to give us some more time.

What happens to a community when it is late? Absolutely nothing. There are no penalties involved for the cities and towns when they are late in filing their

information. It is merely held and put onto the next month's report. The cities and towns now have a multicopied form that they fill out to turn in this information and made it a little easier that way. And in looking back over the last year, we find that the larger cities are only delinquent — and that might not be a good word to use — two out of the twelve months of the year, so I see this as a very unnecessary piece of legislation. It is going to present some problems at this end of the reporting process and I would urge you to indefinitely postpone this bill.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: The scenario that my colleague from the Health and Institutional Services Committee has laid out before you is generally pretty accurate. However, I think there are some differences that I would like to share with you on this particular bill.

Officially, as the bill is amended now, it would allow communities with a population of 25,000 and over to submit the vital statistics and these are the statistics on births, deaths and marriages to the State Registrar on the 25th of the month. Currently, as the statute exists now, they are due on the 15th of the month. Very simply, the reason for the bill, of course, is that in a larger city in the state where we have more hospitals where this sort of information relative to birth, deaths, is pretty much compiled because people die and give birth in hospitals and the large cities have been consistently harassed by the State Registrar's Office because they have been late in providing this information.

The interesting thing that should be pointed out to the members of the House this morning is that the State Registrar testified that the work generally doesn't begin on all of this work on a monthly basis until the 25th of each month, so the material really, under the proposed change, would be submitted the date the work has begun and, of course, the Registrar doesn't have to have his material to the federal government by the 15th of the month.

Essentially what we have in this particular bill here this morning, is that a couple of bureaucrats who are saying no, we can't help you out, and that is what the bill is all about, so the sponsor of the bill had to put in a piece of legislation to make the bureaucrats bend and they won't bend on the state level and on the federal level. All the legislation would do is supply some corrections and help out the larger communities in the state.

I hope that you won't vote for the indefinite postponement motion. I hope that you will let it pass as amended.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am very interested in what the gentleman from Portland, Mr. LaPointe, had to say, where the births, deaths, and marriage records are the vital statistics and that large communities, in effect, need this extra time. I come from a city that has two people working in the city clerk's office, just two, they have all their work to do besides these certificates. We have only 19,000 people in the City of Waterville but when it relates to births and deaths, we are the hospital center for some 75,000 people,

we have three hospitals, so we would qualify in a position of Bangor, or Lewiston or Possibly Portland, we handle that many people.

Interestingly enough, these communities haven't told you how many people they have working in their clerk's office. The City of Waterville, handling some 75,000 population out of the hospital system, can do it with two people and they can do it on time and it would be interesting to note how many employees there are in the Lewiston City Clerk's Office, in the Portland City Clerk's Office and in the Bangor City Clerk's Office. It is my understanding that there are seven employees that work in the City Clerk's Office in Lewiston, so obviously one of those seven ought to be able to do something on time because we certainly can do it in our city.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from South Portland, I don't think this bill is necessary. It was 10 to 3 reported out of committee "Ought Not to Pass."

The problems that have developed that I guess the gentleman from Portland outlined happen, only a couple of months out of the year and during those months when the cities are a little late in getting this in, they are no sanctions applied to the cities. The person over to Health and Welfare merely calls them up every day or so to try to get these reports.

I just recently talked with the Commissioner of Health and Welfare and he said that he is not really too upset about this bill one way or the other. Basically, if the reports aren't in on time, he feels we should just send the reports in to Washington and he will pick it up on the next month and I think that can be done very easily.

I don't think we need legislation to delve into this matter, it can be handled administratively. The majority of the members of this committee felt that this particular type of legislation wasn't necessary. Even if we extend it to the 25th of the month, it is still going to be the same situation as it is now on the 10th of the month. There are still no sanctions on the bill, what if they don't have it done on the 25th of the month, there is still no way the department can force them to get it in, so I feel that we can leave the situation as it is. Those couple of months the people are behind won't present that great a problem to the state or federal government.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Goodwin just touched on the point that I felt on this bill, only we ended up signing different reports in response to that and that was that, yes, those towns or larger communities oftentimes are late in sending in their reports and there aren't any sanctions except perhaps they get called everyday or every other day. I think it is unfortunate when we have laws on the books which are so impractical that we actually set up a situation where some of the larger communities do break the laws and everyone says, that is all right and we shouldn't get too upset about it. I think it is much better to change the laws on the books in the first place so we don't put the

officials in our communities in the position of having to break those laws, and that is why I am for the "Ought to Pass" Report.

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

A vote of the House was taken.

Mr. Kelleher of Bangor requested a roll call.

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

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

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to any member of the Health and Institutions Committee who might care to answer. When are these reports supposed to be into the Registrar and when in fact does that office start working on them?

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

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

Mr. LaPOINTE: Mr. Speaker, the date that is on the books right now is the 15th. All this bill would do is to extend it to the 25th and, as I have pointed out a moment ago, they don't start their work until the 25th.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would differ from my good friend from Portland, Mr. LaPointe. In talking with the gentleman who is in charge of the bureau, as it stands right now, they are supposed to have their vital statistics in by the 15th, they start working on the statistics they have received by the 15th and have an absolute shutoff of the 23rd. Anything beyond that date, at this point, does not get sent in because the state does have an end of the month deadline in reporting to Washington for the previous month's vital statistics.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The only reason I raised the question was that I was talking with the sponsor who told me at the hearing, and I am sure that he was one that was listening to both the proponents and the opponents, that in fact the Registrar did say that it was on the 15th but they did not act upon them until the 25th. This is what the sponsor told me. They are asking for an extension of 10 days. It doesn't seem unrealistic to me if in fact remarks were said, and I have no reason to doubt that they were.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I think the thing to remember on this extension is the way the bill reads to extend it to 25 days. It doesn't really change the situation any because you are not putting any sanctions on it.

What happens if they don't get it in by the 25th? It is the same situation as it is now and I think this type of bill is just not needed, I think it is cluttering up the law books even more.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from South Portland, Mr. Curran, that this Bill and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Bowie, Burns, Bustin, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Curran, P.; Curran, R.; Curtis, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kauffman, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Maxwell, McMahon, Mills, Miskavage, Morin, Morton, Nadeau, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Tyndale, Usher, Walker, Webber, Wilfong, Winship.

NAY — Berube, Boudreau, Byers, Connolly, Cooney, Cote, Cox, Davies, DeVane, Goodwin, K.; Hall, Ingegneri, Jacques, Jensen, Kelleher, Laffin, LaPointe, McKernan, Mitchell, Mulkern, Najarian, Norris, Pearson, Perkins, S.; Post, Snowe, Spencer, Twitchell.

ABSENT — Carroll, Dam, Hinds, Kany, Lizotte, Mackel, Martin, R.; McBreaarty, Powell, Quinn, Smith, Talbot, Wagner.

Yes, 109; No, 28; Absent, 13.

The SPEAKER: One hundred and nine having voted in the affirmative and twenty-eight in the negative, with thirteen being absent, the motion does prevail.

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

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

The SPEAKER: The gentleman from South Portland, Mr. Curran, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

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

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

The following Joint Order: (S. P. 555)

WHEREAS, the Legislature, by Senate Paper 391, has created the Joint Select Committee on Jobs; and

WHEREAS, this Joint Select Committee was given the task of examining the effectiveness of the present employment programs of the State, including that conducted under the Comprehension Employment Training Act of 1974, of establishing priorities for the use of public service jobs under the Comprehensive Employment Training Act and of considering new programs and methods by which the State can respond to the present unemployment problem; and

WHEREAS, it is urgent that the Legislature have the benefit of that committee's report as soon as possible; now, therefore, be it

ORDERED, the House concurring, that the Joint Select Committee on Jobs of the 107th Legislature make its final report to the Legislature no later than Friday, June 13, 1975; and be it further

ORDERED, that the recommendations of that Joint Select Committee be referred to the Legislative Council, which is hereby authorized to take any further action on those recommendations as it deems necessary acting through the Joint Standing Committee on Labor.

Came from the Senate read and passed.

In the House, the Order was read.

Mr. Rolde of York moved this matter be tabled two days pending passage in concurrence.

Mr. Palmer of Nobleboro requested a division on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde that this matter be tabled two legislative days. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative, 34 having voted in the negative the motion did prevail.

Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-264) and Committee Amendment "B" (S-265) on Bill "An Act Creating the Maine Criminal Code" (S. P. 113) (L. D. 314)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendments "A" (S-264) and "B" (S-265).

In the House, the Report was read and accepted in concurrence, and the Bill read once. Committee Amendment "A" (S-264) was read by the Clerk.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I am glad to report to you that the Judiciary Committee accepted to the other body a few days ago,

Item 1, which appears on your Supplement 1 of today. This was a Judiciary Committee unanimous report "Ought to Pass," report on the Criminal Code with 67 Committee Amendments. Senator Collins and I, as Co-Chairmen of the Committee, are pleased that the majority work of this session is completed. Our committee held seven public hearings on this bill, also took part in four seminars and many, many work sessions. The committee includes six lawyers and seven lay people with a wide range of opinion and it has taken much hard work to bring out a unanimous report which we believe will represent the thinking of Maine people.

The Criminal Code Commission headed by former Attorney General, Jon Lund, gave us the original bill but we have made several important changes. The committee has held many hearings as I have mentioned, studied the code thoroughly and made 67 committee amendments. We feel we have covered the code and made all changes that can be made as humanly as possible that can be covered. If anyone still feels that they want to offer an amendment, please contact Craig Nelson, Counsel for the Judiciary Committee. I wish to thank you for giving me the chance to bring you these few remarks.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Chairman of the Judiciary Committee in the respect of the murder part of their work. Is it still or has it been added or is it mandatory life for murder for no parole or parole, if so, how many years?

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, poses a question through the Chair to any member who cares to answer.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to inform Mr. Laffin that when he was debating his bill, not too long ago, it was brought out, probably he had too much work that day he couldn't remember and I don't blame him because he did a good job; I have got to commend him for it. Mr. Hughes from Auburn mentioned and it was brought out here in the House that now it has been brought up that for murder is no less than 20 years, it used to be 12 years but now it can't be less than 20.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question because several people have talked about this and, incidentally, I went home the other night with one of the gentlemen from the other body who worked on this and he explained the bill to me, but there is something that I couldn't seem to grasp or I have forgotten now, and they have done a very fine job on this thing. My question, however, and the question of some others, is that does this bill, does this restrict itself to Title 17? I would like to ask any member who can give me a straight answer.

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

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

Mr. PERKINS: Mr. Speaker and Members of the House: This pretty much restricts itself to Title 17. I have to say that I believe, that under Title 29, my good friend from Lewiston, Mr. Jalbert, has asked me previously, if this was totally restrictive to Title 17. Primarily it is. However, the so-called traffic offenses come in under Title 29, so that other than for that, the answer is yes.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I seem to have a problem with the criminal code. I have the problem under legalization of Marijuana. I was somewhat disturbed with the Judiciary Committee that they invited into our city here some apostles of pot from the west coast, from the south, from the large municipal areas.

The State of Oregon recently rewrote their criminal code. The committee was somewhat interested in the Oregon code. They seemed to be interested in the laws in the south and on the west coast. I also had an interest in the criminal codes. I didn't go to the west coast, I didn't go and invite people from down south to come here and tell me how wonderful pot was. I didn't have them come here to tell me of all the studies, and I remind you up until 1961, 1,500 papers had already been published on marijuana and I agree it is a controversial subject. I feel the jury is out, the federal government is making the studies as to whether or not this is dangerous. Studies are being made throughout the world, the jury has not returned. I feel the way the Judiciary Committee completed this bill and submitted it to us for passage, we would by passing this chapter on marijuana, we would establish marijuana the herb of the field, we would say that this was a status symbol for the youth of Maine today. Yes, I have many differences with the apostles of pot but reference to criminal code, you, know, I looked into it, and this green book here gave me some answers to many questions.

I took a ride down 302 and it was only a couple of hours and I picked up the proposed criminal code for the State of Vermont, published January 1975 and it was put into effect this year. Now, Vermont, to my way of thinking, and I am not a world traveler, perhaps some of the puritanical society that we find in Vermont is evident here in the State of Maine. We don't need the west coast philosophy here. I am not up here opposing tourism because when I was in the field, with the pot heads and the users of the soft and the hard drugs, you would go in the homes and take the names of the kids at these parties. Very seldom, in these large parties with both the hard and the soft drugs were they people from Maine. They were from out-of-state. Why do you come here to Maine from Pittsburgh from the south, from out in the west coast? Because your laws are good for us, we are not afraid of them. They will throw us in jail and forget about us if we stay in our home state. Vermont revised their code, and who was the one, Professor Fox, wrote a good code for Vermont, why did he give us the garbage? I had to look through it two times. I see Professor Fox in this book and I went back to the Maine Code. I thought perhaps Fanny Fox wrote the Maine Code. I was awful disturbed with this. You look

around the world, what is this marijuana, there is no authority on it in this country. The medical profession in this country, they always look to the University of Athens and Greece, to get the world authority on marijuana. Dr. C. J. Myris, the professor there said the main dangers of marijuana is to our young people, the tendency to lose interest in ambition and drive. What will be the future of a nation whose young people have no interest in success? Sure, studies in this country, marijuana studies, show abnormal brain waves. They don't know too much about it, they know it takes 15 minutes for it to get into the brain, but they also know that it takes five days to get it out of the brain.

What does the World Health Organization say the effects of marijuana are? One, loss of coordination; two, impairment of judgment and memory; three, confusion and illusion; four, simulates aggressiveness; five, you have distortions of sensation, your vision and your hearing. There have been many studies and we have seen here in connection with this proposed codes how nice this is, how nice marijuana is.

University of North Carolina Medical Center, there is a Dr. McLaughlin down there; he is a professor at their medical college. Listen to what he said about this two years ago. On examining descriptions of cannabis effect, it is clear that most of the phenomena associated with LSD are or can be produced with cannabis. Marijuana, it has been around well over 5,000 years, yet the debate goes on. Legalization, what do you really want? A problem to decide on the President's Commission, they can't agree. France has gone to the United Nations with its problem of marijuana and driving. Who are the experts in the field? Do we look to the Boston University study that was written up in Parade Magazine where we consider the sociology professor let 23 students smoke it in a classroom and then decide whether the effect was bad on them?

I don't know how much marijuana is used in the State of Maine. At one time in the Portland Police Department, when we were doing the greatest business in it, we found out that one-half of that used in the City of Portland was an imitation and please listen to this, we found the substitute, and this is a money making thing, the substitute most generally used is dried-out horse manure. It is put in plastic baggies and it is sold, no problem. The other place we had in Portland a kid who couldn't get a job for the summer, 16 years of age, we found him one night, \$1,600 in his pocket. He was driving through the public park, to see the park department mowing the lawns, picked up the grass in a pillow case and took it home, run it through his grandmother's grinder, went out and sold it, \$1,600 and it wasn't half way through the summer.

I hear a lot of this talk, alcohol versus marijuana. There are 30,000 deaths a year because of alcohol. I contacted Senator William Hathaway on this because he is on the committee that is studying marijuana use and his committee has got an awful lot of evidence, that is not a choice, alcohol or marijuana but to use in conjunction with each other today. I think that perhaps I should have first spoke on marijuana during the budworm bill. Do you know that marijuana is the only plant that has been studied that insects will not go near? Now, if the bugs don't want it, why do we want to give it to our kids?

One time in Maine, they used to make clothing out of it, it was like a burlap type clothing.

I say probably from Governor Longley's words on this particular subject, marijuana, you should really think about it. We are not talking just about a harmless weed. We are talking about our children's brains. Believe me, the brain is not a linker toy. Please think about it.

In closing I will only say this, that I am not 100 percent against the use of marijuana. I had to change my stand when Margret Meade, the Anthropologist, spoke out in favor of it. Now, I am not going to oppose her for anything and I say this honestly, anything that can do a thing for an 85 year old woman, I would have to be in favor of that part of it.

Thereupon Committee Amendment "A" was adopted in concurrence.

Committee Amendment "B" (S-265) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would ask a question of anyone from the Committee, if the Committee Amendment "B" is the one that deals particularly with marijuana?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to anyone who may answer.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, yes, Committee Amendment "B" does deal with the section on marijuana.

I listened with interest to Representative Joyce's remarks concerning marijuana and I think he expressed the feeling of the majority of the people in Maine, the majority of the people on the committee, if not all the committee members, as to the general concern for the use of marijuana. I think that none of us like the idea that marijuana may be as prevalent as it is today. However if we went back, perhaps 40 years, we might say the same thing about alcohol. I don't like to equate it with it, however, it happens to be the fact of our culture.

The committee struggled very, very hard as well as the commission that proposed these laws in regard to the question of marijuana, and realistically looked upon it in terms of what is happening in the State of Maine. I would submit to you, ladies and gentlemen, that I know of none and I would ask any of you if you know of any individual who has been convicted of possession of marijuana and been confined as a result of it. The standard fine for the possession of marijuana is \$100 to \$150. It is felt by the committee that, therefore, and the commission, that the laws were not being structured such that they were providing for confinement. Therefore, perhaps we should change the status of the term marijuana and its use from what we call criminal to what is termed civil. I suggest that is a play on words because as it happens. I think that we have, by virtue of this code, made the use of marijuana even more difficult if it can be than it presently is. If you are aware, incidentally, of the law court case that is presently pending, we may well find that all of the convictions for the possession of marijuana will be overturned in the State of Maine just by virtue of a technicality

insofar as that term is defined in law. In any event, what we did, was to increase the fine in terms of the dollar figure that one would be liable to pay from the usual \$100, \$150 to \$200 and in respect to the use of it the marijuana will be confiscated, therefore, it is not as if we accept the fact that the individual is using marijuana and we condone it. And additionally, we have taken away what is normally required in terms of proving one guilty of a crime. We now, no longer, if we pass this code, will require that the state prove beyond a reasonable doubt that the individual was and is guilty of possession of marijuana.

We have, if you will, or changed it to a status of a civil penalty and now it will be required that one prove, merely by a preponderance of the evidence, which can be circumstantial, that one is guilty of possession of marijuana. So, when anybody gets up and speaks about us having decriminalized, legalized marijuana, I suggest and submit, that is not the case whatsoever. It does do this, and if we want to say that it decriminalizes it to this extent, if I am found guilty of possession of marijuana and I trust I will not be, if I am asked on an application whether I have been found guilty of an offense, criminal offense, I can truthfully say that I have not even though there has been a judgment rendered against me by the State of Maine who will prosecute these cases then I have been found guilty and submit myself to paying a penalty of \$200. I do feel and sympathize with Representative Joyce and his remarks. I do think there is a great deal of misunderstanding as to just what this does. I do say that the news media because of the manner in which we look upon the use of marijuana, may have suggested and implanted in the minds of people that we are somehow condoning and somehow making it an open forum for the use of marijuana in the State of Maine by anyone. I again submit that is not the case. I would hope that we would pass, in respect to this matter, the Committee Amendment "B".

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am really interested in this particular amendment. I have never had to even consider measuring marijuana in ounces and I notice that the penalty becomes a criminal offense after 1½ ounces, it is civil up to 1½ ounces. Maybe somebody when I get done can tell me how many cigarettes you can make out of an ounce and a half of marijuana. If it is, in fact, that large a quantity as I seem to think it might be.

I am trying to figure out who would present civil charges in a case like this. In effect, what the committee seems to have done is taken the marijuana out of the criminal codes and, therefore, taken it away from those very agencies that police its use. Now citizens themselves will be policing it and I am wondering who would be in a position, for instance, to bring civil charges. I would assume that the person bringing the charges would have to pay for all the attorneys and everything in bringing the charges but I am not that familiar with the law in that respect. If because we are not getting fined, we are changing the law, I would suggest it would be a heck of a lot better if we changed the judges so that the judges would read the law as we, in the legislature, intend it to be enforced.

The SPEAKER: The Gentleman from Waterville, Mr. Carey, poses a question through the Chair to anyone who cares to answer.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In respect to the first question, it is my understanding that approximately 30 cigarettes may be made from 1½ ounces of marijuana. It is true that we have provided up to 1½ ounce is the subject of the possession portion of the statute which we are dealing with civilly.

In regard to the question of whether or not the individuals in the State of Maine are going to prosecute in these cases or will be the complainants in these cases. No, they will be no different than they ever were. An individual is, in fact, committing an offense from the standpoint of civil defense against the State of Maine whenever he possesses marijuana, no matter under the present law whether he is doing it in his own home or he is doing it out in public. There is some serious question in regard to whether or not that may be unconstitutional for one to be found guilty of an offense having committed it in his own home because I suggest to you that the state of Alaska this week by a 5 to 0 opinion ruled that one having possession of marijuana in his own residence cannot be found guilty of an offense because it would be unconstitutional as a deprivation of privacy.

However, in regard to the question of what this law does in the State of Maine it makes it no different than it actually is right now. The police officers themselves will be the ones who will be policing it, they will be the ones who will be bringing the complaint in behalf or on behalf of the State of Maine. The only difference is that it will ultimately be decided if the person is found guilty and again, he may be found guilty easier, under this code, than he can under the present law, he will be found guilty and will be subject to the State of Maine in the amount of up to \$200. Anything over and above 1½ ounces, it will be presumed and this is not a part of the law today because I'll say to you, incidentally, I can have what is so-called the brick, I can have nickel bags, I can have any amount and they cannot charge me with having anything or a crime other than possession where under the code, anything over and above 1½ ounces it would have to be presumed, I intend to have it for the purpose of sale. That is a criminal offense carrying a very stiff penalty and I say that we have, in fact, made the law more difficult, more clearer with what really is intended. I think the committee agreed that anything over 1½ ounces, it was more likely that the person had it for purposes for sale and therefore, we should try to take care of that situation.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I'd like to follow that up with another question. What is the difference between the ounce and one-half of marijuana and the other line that says "the person who possesses any usable amount of marijuana, what is usable amount of marijuana?" and in the next paragraph, "the furnishing of small amounts of prescription drugs on a casual basis to a friend or relative will fall under Section 12 of the Criminal Code which provides for the dismissal of De minimis

infractions. What are the prescription drugs?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, has posed a series of questions to any member of the Judiciary Committee who may answer if, they so desire.

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

Mr. HUGHES: Mr. Speaker, Members of the House: I think I caught two questions and if I've missed one, I hope it will be asked again. The first question I believe, was "what is a usable amount of marijuana, what do those terms refer to?" The term 'usable amount' is just about what it sounds like, there is the possible situation for example where one is caught with a pipe in one's possession. If that pipe had chemical tracings within the opening of the pipe which a chemist could indicate that used to be marijuana or tracings from marijuana that would then under one interpretation of the law subject him to a crime of penalty for possession. The Criminal Code Commission suggested the term 'usable amount' which simply means what it sound like, any amount of a sufficient size to be usable to have any drug effect on the body. The other question dealt with a different section of the code as to the question of penalties for furnishing prescription drugs. This was a change the committee made, actually. The Criminal Code Commission proposed that whenever one furnishes to another, a prescription drug without a prescription, now furnishing means to give to one, not for money. We have trafficking which deals with selling, and furnishing which deals with giving, donating, whatever you want to call it. The original draft of the code said that when one gave to someone else a prescription drug, that he would be subject to criminal penalties. We thought that was all right in its main purpose; that is, to deal with people who indiscriminately give strong prescription drugs to people but we also remembered the occasion where members of families, for example, might give something to another member of the family for which they had a prescription, and off the top of my head, my example, was dramamine, which is a prescription drug. You might have a member of your family going on a flight and you might give them a dramamine tablet, so under our new code, he would be guilty of a criminal offense to do that so we added language to indicate that those small personal transactions, among members of families and that kind of thing, would be treated as De minimis which simply means of such an insignificant nature, so as not to be prosecuted. Now those are the answers to two questions. Did I miss one and if so, please feel free to ask it again.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: It wasn't too long ago that I stood here and I posed strongly and worked very hard against the L. D. 4 which would have raised the legal drinking age. I have very strong feelings about this issue we are discussing today from personal experience with people whom I have known and many other things and one thing I have an article in my hand from a Dr. Powellson, who is a private psychiatrist practicing in Berkeley, California. Now I am going to tell you that I feel every bit as strongly as the gentleman from Portland, Mr. Joyce, does and in the same way that Mr. Joyce does. I won't

take up much of your time this afternoon. I am opposed to this amendment. The gentleman from Waterville, Mr. Carey brought up a very good point. The gentleman from Livermore Falls brought up several good points. I think what this amendment does, it muddies the water so that I think very effectively without actually coming out and saying so, very effectively, we are taking any teeth out of law enforcement of personal use of marijuana. I think that's exactly what this amendment does. We start talking about personal use and having more than 1½ ounces and 30 cigarettes worth or whatever, I think the law enforcement people that I know and that I have talked to about this say that they don't know how to go about prosecuting this type of thing.

I oppose the decriminalization, the legalization of marijuana whatever you want to call it for one reason. We have bills in this house dealing with railroads and tax exemptions and you can tell me that if I vote "Yes" then this is going to happen, if I do A, then B will happen. Well, I submit to you that for every one of the people who came here from Oregon or wherever they came from and tell you that this is a good thing to do, that I can find an equally eminent psychologist, psychiatrist, doctor or whatever, to tell you just exactly the opposite. The gentleman whom I mentioned before, Dr. Powellson, this article the name of it is "Marijuana, More Dangerous Than You Know". In the 1960's, he was one of the leading proponents of personal use of marijuana in this country, one of the leading proponents. At this time, he is one of the leading opponents. This is just as the gentleman from Portland, Mr. Joyce said, ladies and gentlemen, the jury is out. We don't know. If you drink alcohol to excess, I can assure you or fairly reasonably assure you, that you probably will suffer physical problems, cirrhosis of the liver, etc., but we don't know. People say, well, we are not legalizing it, and I would correct the gentleman from Portland when he talked about legalization, this is decriminalization. As I said before, I think that what we are doing is that we are taking any teeth or any effectiveness out of any law enforcement attempt at personal use, subsequently, I think we are encouraging in a round about way or at least certainly not discouraging personal use of marijuana in the State of Maine and this is what I am opposed to and I have a lot of people talk to me and say "I don't understand your stand on this and your stand on other things" but it is a personal thing.

I've had friends, I've had a lot of friends in the military whom I saw change, I can't tell you how, because I'm not a doctor, I'm not a psychiatrist, but they did change after prolonged use. I'm not talking about one or two times and now I'm going to sound as though I'm talking about this being a mother's bill. I think if we muddy the waters as far as to enforcement or anything along these lines which I think this amendment does, I think we are encouraging young people.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I'm afraid there is confusion reigning on the floor. The amendment before us, while it does deal with marijuana is the committee amendment to the whole code, it includes 61 changes to the entire code throughout the spectrum of the code. I don't think that the proponents of this want to defeat that

amendment and all those changes. In fact, what it does in the area of marijuana is stiffen what the code proposes. So, therefore, if you defeated the amendment, you would be voting for more lenient laws on marijuana. What we ought to do I think, if you want to debate marijuana, is accept the unanimous committee report which includes this amendment, this is the omnibus amendment to the whole code, it's the work of the committee on the code and debate marijuana tomorrow in the Second Reading when an amendment can be presented which would change the law on marijuana but if you defeat this amendment you are defeating the work of the entire work of the committee for the six months of the session. You are defeating our work on murder, arson, shoplifting, everything else that we've done, so I'm afraid that we really don't have the question before us that the speakers are addressing. Now, there are those concerned that we are trying to legalize marijuana and I guess if that were what was being done I would associate myself with the remarks of the gentleman from Portland, Mr. Joyce, that we don't know enough about marijuana, that the evidence is not in, but what we are proposing to do, changes the penalties, but in no way legalizes it and it leaves on the books the following things as the gentleman from South Portland said. It leaves on the books a fine of up to \$200 which is, as we have also heard, far in excess of the fines that are typically levied now. Secondly, it says that if you possess 1½ ounces or more, not only are you subject to that civil fine, you are subject also of being punished for intent to sell, and that I submit is a rather strong thing to do to presume that someone has marijuana to sell when actually all they do is possess it but the committee thought that would be a useful change, so you are making it a criminal crime to possess more than 1½ ounces. Additionally, in this amendment which we are debating, we propose to make it a juvenile offense in addition to all of these other offenses so that if a juvenile smokes he has in addition to those sanctions he also has the potential for all of the other sanctions which all of the other juvenile courts can impose such as probation, drug abuse programs, and all of those things. Now these are the kinds of things that are in the amendment which is before us. It is the commission report itself which proposed to treat marijuana differently but which never proposed to legalize marijuana and I would give you the appropriate pages so that you might overnight study these references. On page 154 of the code under Section 2383, you will see the Crime of Marijuana listed, you will note also that the fine listed there is \$100. If you consult the committee amendment, you will see that that section is amended to have a fine of \$200.

Finally, I would just suggest one thing to us, that this has been a useful exercise to raise these questions, I hope that if someone has an amendment to change something that overnight we ask the committee clerk to prepare that amendment in proper draftsmanship and have it ready for tomorrow in the Second Reading and then let us have the very useful and thoughtful debates necessary on each of these sections which may promote some kind of controversy.

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

Mr. CAREY: MR. Speaker, I would like

to pose a parliamentary question to the Chair, please.

The SPEAKER: The gentleman may pose his parliamentary question.

Mr. CAREY: Mr. Speaker, am I correct in my assumption that if we are going to try to save this particular amendment and we want to deal with the section on it on marijuana that this amendment should be tabled at this time without adoption so that the amendment to the amendment might be prepared?

The SPEAKER: The Chair would announce that it has had somewhat a confusing problem since the original bill also deals with the same issue but would also indicate that the amendment does as well. If the amendment is, in fact, adopted, it obviously could be reconsidered tomorrow so the amendment could be offered, it can be offered in either way.

Mr. CAREY: In the matter of reconsideration we might jeopardize ourselves in not being able to reconsider?

The SPEAKER: The Chair would answer that in either case if you have the votes at the time, which time you do it, is not important because tomorrow only a majority vote would be needed for reconsideration.

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

Mr. GAUTHIER: I would like to ask the Speaker a question here. I think probably it has to do with the same question that the previous speaker has just asked. Wouldn't it be better to accept the whole code, I mean the amendment at the present time and tomorrow if we have anyone, like I mentioned when I first brought out something about the code here, I would like to read what I said. If anyone still feels that they want to offer an amendment after the code has been accepted, they can contact Frank Nelson, Counsel for the Judiciary Committee and he will help them to do so. I feel that today is the time to accept the Amendment "B" of the whole Criminal Code which is not just marijuana. It's the whole thing, 74 amendments that we put in and tomorrow is the time to make the changes if you want to make them?

The SPEAKER: If the gentleman from Sanford, Mr. Gauthier, has posed a question to the Chair, the Chair would announce that from a personal point of preference it would be better to wait to deal with all amendments at the same time both those the committee amendments and the bill itself which could be done tomorrow and the Chair would further announce that it be the opinion of the Chair that in light of obviously the importance of this bill that whoever has amendments that they go to the committee clerk, Mr. Nelson, and work out the amendments with him prior to taking them down to the legislative research office because of the technicalities that they will have to put them through in order to make sure that they are applicable.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I think that we are all focused in on this thing now and I think what disturbed me has disturbed many here, that this amendment was used as a vehicle to decriminalize marijuana and I'm awful disturbed that they stuck it in there where Vermont didn't and I can show you paragraph by paragraph in the Vermont code that's identical to the proposed Maine code and I think with that

I can, I did want to answer one question for the gentleman from Waterville and I know Mr. Perkins tried, but he didn't give him the straight answer which I think he is entitled to. 1½ ounces of marijuana, when you go down to Boston, usually in Roxbury, you stand with your hands in your back pocket and they come up and sell you as much as you want, now if you buy 1½ ounces, you bring it usually to Portland. In Portland they go out to the supermarket and they buy a jar of oregano, a package of catnip and some parakeet seed. Now, parakeet seed, as a rule is marijuana seed that has been sterilized, and then they mix it in an ashtray. By the time it gets to Waterville, that 1½ ounce is about 8 ounces, so that when you take 8 ounces, you probably are going to make a couple of hundred joints and these are the ones that will be peddled on the streets of Waterville, so you will probably get a couple of hundred joints out of that 1½ ounces and if the people in Waterville decide they don't want it and they are going to send it on to Bangor, before they do, they would go down and get the oregano, the catnip and the parakeet seed and they'd thin it out again, so that by the time it gets to Bangor, you know, they talk about Maine economy but its prosperous here and, in order, Mr. Speaker, I would like to have this moved one day.

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

Mr. HUGHES: Mr. Speaker Members of the House: Just a couple of comments, first of all, the opinion of the gentleman from Portland that this amendment tries to decriminalize marijuana is just incorrect. The Criminal Code, as presented to us, decriminalized marijuana but what the amendment does is criminalize it above 1½ ounce, make it illegal for juveniles and raises the civil fine for everybody, so it is the code which he is objecting to, not the amendment. Now if he or anyone wants to present an amendment it would simply be this and I am not trying to draft it for him but it would simply add a section to the Criminal Code making it a crime with a prison sentence. It would not be an amendment to the amendment, it would be an amendment to the code so it would be perfectly in order even without reconsideration, I would respectfully suggest.

I think the important thing is to get this amendment through simply because it does all the other things which nobody objects to and tomorrow in the Second Reading at the amendment stage, if the gentleman or anyone else, will talk to the Clerk they will draw up an amendment, which will give him the question he wants to debate and then tomorrow we can have a very thoughtful and very useful debate on the subject but to defeat our changes in murder, arson and shoplifting and everything else simply because you don't like this section is neither necessary nor very useful.

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

Mr. BURNS: Mr. Speaker: First of all, a parliamentary question.

The SPEAKER: The gentleman may pose his parliamentary inquiry.

Mr. BURNS: Due to the amount of material in L.D. 314, will we still be limited to two times up when we debate it tomorrow?

The SPEAKER: The Chair would answer in the affirmative.

Mr. BURNS: I have two questions at this

time, Number 1 to the Committee: in lieu of the suit that is currently in the courts, has any consideration been given to changing our terminology of marijuana to the chemical name which I believe is tetrahydrocannabinol? Any substance containing that chemical would be illegal or etc. and I have another question off the marijuana subject.

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

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

Mr. PERKINS: Mr. Speaker, Members of the House: In answer to that question, yes, we've taken care of that problem so that there is no question of its derivative nature, it's possession of marijuana in any nature.

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

Mr. BURNS: One more question, sir, this is on the first page of Amendment "B" and involves the definition of "armed". Has there been any consideration given by the committee to continue our mandatory sentencing which we currently have with anybody convicted of a crime while armed?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed an additional question through the Chair to anyone who may answer if they so desire.

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

Mr. PERKINS: Mr. Speaker and Members of the House: In respect to the present status of armed offenses in which a mandatory sentence is provided, the code does not provide for a mandatory type of sentencing as it presently appears in our present law. However, I would say in respect to that, what we have done is provide for a determinative type of sentencing structure under the code as compared to our present minimum-maximum such that the individual when sentenced, will be sentenced for the given period and there is no minimum standard. We are anticipating it will be much more equal in terms of what people understand, if they are sentenced for a given offense for a given period of time, that is a certain thing. They can only have that changed by subsequent petition to the court to have a reduction. We have done away with the parole status so that they can't, some will be getting out earlier than others. Now we have tried to equalize the justice system so that everybody understands they get sentenced for an offense, the judge has said that is what you're going to do and that is what you have.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the process that Rep. Hughes from Auburn is suggesting, that we accept the Committee Amendment "B" and then tomorrow submit our amendments. I have some questions about the section on marijuana. I'm not quite so sure that the answer the good gentleman from South Portland, Mr. Perkins, just gave is correct and I need to talk to somebody about legal definitions. Delta-9 tetrahydrocannabinol can now be produced chemically within a laboratory and does not have any relationship to the plant itself and I'm

wondering if this is really covered in the Criminal Code or whether the THC which is very prevalent in the State of Maine is not going to be covered. The THC, the tetrahydrocannabinol is the hallucinogenic chemical among many chemicals within the plant and that now can be produced artificially in the laboratory and I wonder if that is included. I'm also wondering on the ounce and one-half if that ounce and one-half includes the measurement of the weight of the bird seed that Rep. Joyce has spoken about, does this amendment say pure marijuana, marijuana no matter what it has been stepped up with or cut with, and I might add to the good gentleman from Portland that its not uncommon to add in a portion of horse manure in the process, too.

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

Mr. MacMAHON: Mr. Speaker, Members of the House: I would like to reply further to the question asked by the gentleman from Anson, Mr. Burns, I think the code does take into account very definitely, when a crime is committed by a person who is armed as opposed to one who is not and it does that by distinguishing in the different classes usually between Class A, if it's an aggravated offense committed by an armed person, or Class B, if it's not. I call to your attention specifically, Chapter 27 the Section on Robbery. Further, I would call to the attention of the membership on Page 147 and thereafter are listed the various repealers that this code would replace and I would urge you to do, as we, on the committee, have done this evening, look the code over thoroughly and specifically those areas of repeal so that all of us have a definite idea of what this does and what this does not do.

Mr. CAREY of Waterville was granted permission to speak a third time.

Mr. CAREY: Mr. Speaker and Members of the House: Earlier in the day, I asked a parliamentary inquiry on this and it was, basically, for the purpose of amending that particular section of this amendment which deals with the marijuana laws.

I think Mr. Hughes and Mr. Curran are both incorrect, that if you adopt this amendment at this stage, regardless of the other sections that are involved, if you adopt this amendment at this state, then tomorrow we would have to reconsider having adopted this amendment, reopen it and then offer an amendment to the Committee Amendment to deal with the marijuana section. I would say simply that we would be much better off at this point to table this bill pending adoption of Committee Amendment "B" and when amendments can be offered and we won't have to go through this reconsideration business and you can accept those amendments on their own merits, but I would certainly hope that somebody might table this, at least for one day, pending the adoption of Committee Amendment "B" so we can get those amendments ready.

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

Mr. GOULD: Mr. Speaker, I move that this matter be tabled for one legislative day.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Old Town, Mr. Gould, that this matter be tabled for one legislative day pending the adoption of Committee Amendment "B". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 64 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

Six Members of the Committee on Health and Institutional Services on Bill "An Act to Provide the Citizens of the State of Maine with Uniform Quality Pharmaceutical Health Care" (S. P. 345) (L. D. 1146) report in Report "A" that the same "Ought Not to Pass"

Report was signed by the following members:

Mr. BERRY of Androscoggin
— of the Senate.
Mrs. POST of Owls Head
Messrs. CURRAN of South Portland
KENNEDY of Gray
SPROWL of Hope
LaPOINTE of Portland
— of the House.

Four Members of the same Committee report in Report "B" that the Same "Ought to Pass" as amended by Committee Amendment "B" (S-240).

Report was signed by the following members:

Mrs. LAVERTY of Millinocket
Mrs. MORIN of Old Orchard Beach
Messrs. LOVELL of Sanford
HENNESSEY of West Bath
— of the House.

Two Members of the same Committee report in Report "C" that the Same "Ought to Pass" as amended by Committee Amendment "A" (S-241).

Report was signed by the following members:

Mr. HICHENS of York
— of the Senate.
Mr. GOODWIN of South Berwick
— of the House.

Came from the Senate with Report "B" read and accepted, Committee Amendment "B" read and indefinitely postponed and the Bill passed to be engrossed.

In the House: Reports were read. On motion of Mr. Goodwin of South Berwick, Report "B" was accepted in concurrence and the Bill read once. Committee Amendment "B" was read by the Clerk and on motion of Mr. Goodwin of South Berwick, the Amendment was indefinitely postponed in concurrence and the Bill assigned for second reading tomorrow.

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-260) on Bill "An Act Defining the Warranty of Habitability and Providing Remedies Therefor" (S. P. 272) (L. D. 878)

Report was signed by the following members:

Messrs. MERRILL of Cumberland
CLIFFORD of Androscoggin
— of the Senate.
Mrs. MISKAVAGE of Augusta
Messrs. HUGHES of Auburn
SPENCER of Standish
McMAHON of Kennebunk
HENDERSON of Bangor
HOBBINS of Saco
BENNETT of Caribou
— of the House.

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

Report was signed by the following members:

Mr. COLLINS of Knox
— of the Senate.

Messrs. HEWES of Cape Elizabeth
GAUTHIER of Sanford
PERKINS of South Portland
— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-260) Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read. On motion of Mr. Hobbins of Saco, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on RESOLVE, to Provide a Maine Homestead Property Tax Credit (S. P. 406) (L. D. 1290)

Report was signed by the following members:

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

Messrs. SUSI of Pittsfield
TWITCHELL of Norway
DRIGOTAS of Auburn
MAXWELL of Jay
MORTON of Farmington
IMMONEN of West Paris
DAM of Skowhegan
FINEMORE of Bridgewater
MULKERN of Portland
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (S. P. 554) (L. D. 1921) on same Bill.

Report was signed by the following member.

Mr. COX of Brewer
— 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. Drigotas of Auburn, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Bill "An Act to Prohibit the Arbitrary Imposition of Certain Fuel Charges by Electric Power Utilities" (S. P. 469) (L. D. 1603) which was passed to be engrossed as amended by Senate Amendment "A" (S-212) in concurrence on May 30 and was enacted in the House on June 4.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-212) and "B" (S-276) in non-concurrence.

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

Bill "An Act Relating to Exemption of the East Auburn Community Unit, Inc., from Property Taxes" (S. P. 482) (L. D. 1613) on which the Majority "Ought Not to Pass" Report of the Committee on Taxation was read and accepted in the House on June 5.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought to Pass" Report of the Committee on Taxation was read and accepted and the Bill Passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Drigotas of Auburn, tabled pending further consideration and specially assigned for Wednesday, June 11.

Bill "An Act Relating to Contracts of Teachers with Municipalities" (H. P. 1033) (L. D. 1339) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by House Amendment "A" (H-253) as amended by House Amendment "C" (H-300) thereto on June 5.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed on May 27 and asked for a Committee of Conference.

In the House: On motion of Mr. Carpenter of Houlton, the House voted to insist and join in a Committee of Conference.

Bill "An Act to Change the Participation of Employees in the Classified Service in Political Campaigns" (H. P. 1041) (L. D. 1331) which was passed to be engrossed as amended by Committee Amendment "A" (H-364) as amended by House Amendment "B" (H-478) thereto in the House on May 23.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-364) as amended by Senate Amendment "A" (S-278) thereto in non-concurrence.

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

Bill "An Act to Institute a Fee System for Hospital, Nursing Home and Boarding Home Licenses to Fund Costs of Licensing" (H. P. 1129) (L. D. 1405) which was passed to be engrossed as amended by Committee Amendment "A" (H-482) and House Amendment "A" (H-509) in concurrence on May 30 and was enacted in the House on June 4.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-482) as amended by Senate Amendment "A" (S-271) thereto in non-concurrence.

In the House: On motion of Mr. Goodwin of South Berwick, the House voted to recede and concur.

Bill "An Act Relating to Forester Registration and Licensing" (H. P. 1329) (L. D. 1412) which was passed to be engrossed as amended by Committee Amendment "A" (H-621) in the House on June 4.

Comes from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-621) as amended by Senate Amendment "A" (S-266) thereto; and Senate Amendment "A" (S-272) in non-concurrence.

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

The following Communication:
State of Maine
one Hundred and Seventh Legislature
Committee on Natural Resources
June 6, 1975

Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04330

Dear Speaker Martin:
It is with pleasure that I report to you that the Committee on Natural Resources has completed all business placed before it by the 107th Legislature.
Total Bills Received 60

Unanimous Reports	48
Leave to Withdraw	14
Ought Not to Pass	9
Ought to Pass	2
Ought to Pass as Amended	15
Ought to Pass in New Draft	8
Divided Reports	12

Respectfully yours

Signed:

THOMAS J. PETERSON
House Chairman

The Communication was read and ordered placed on file.

Mr. Albert of Limestone presented the following Joint Resolution and moved its adoption: (H. P. 1680)

In Memoriam

Having Learned of The Death Of Mrs. John H. Rollins of East Dixfield, Me.

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

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

The Resolution was read and adopted and sent up for concurrence.

The Chair laid before the House the twelfth 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 5, by Mr. Peterson of Windham.

Pending — Acceptance of either Report.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Dover-Foxcroft, Mr. Smith, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Smith of Dover-Foxcroft assumed the Chair as Speaker pro tem and Speaker Martin occupied his seat on the Floor.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I would move that the "Ought to pass" Report be accepted.

The SPEAKER pro tem: The gentleman from Windham, Mr. Peterson, moves that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the same gentleman.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I will speak, hopefully, briefly on this matter.

I signed the Minority Report as a concerned person. The petition was passed around by the Friends of Bigelow. They obtained 44,000 signatures and the bill is before us today. Any action which we take negative on this proposal means that it will go to referendum, probably in November of this coming year. If we fail to pass this bill, it goes to referendum. The cost of a referendum is somewhere around sixty to a hundred thousand dollars.

The reason I support this measure is that in the very recent past, we have had bond issues out for Fish and Game for about \$3 million, for Parks and Recreation to obtain land for \$4 million. They were overwhelmingly approved by the citizens of this state; approximately \$7 million in bonds were issued to secure land for recreational purposes. This is primarily what this does, to keep this area a wilderness way.

I would remind you that half of the funds to procure this will be federal matching funds, so the total cost will not be borne by the state.

Also, the proposal would keep this land as much as it could in its natural state but would allow for reasonable timber harvesting to be carried out on this land if this bill were to be passed.

The reason I support this legislation is that I think in all practical consequences, if we fail to enact it, it will go out to referendum, it will be passed at expense to the taxpayers and then we will have to implement this bill. There are several problems that I find with this initiated bill. They say that we will secure the land. It authorized the Department of Conservation and Inland Fish and Game to procure the land, but it doesn't provide any means by which the land can be procured.

I say the best policy for this legislature is to pass this bill in the regular session and then amend it in the special session to take care of any problems that it may have. Otherwise, I really feel if it goes out to referendum, it will be passed and we will be stuck with this legislation in its present form and we will have to implement it. I think the wisest policy is for the legislature to enact it. I find several problems with it. There is no means of obtaining the land, on money is on it, there is no fiscal note, and if we were to attach a fiscal note, there would be two questions on the referendum, there would be the original question and then one on the fiscal note. So whatever we do, this question is going to go before the people unless we enact it. So I make my plea on that alone. I just think that the voters of the state will overwhelmingly approve it and we will be stuck with a bill that needs some improvement. I think the way to do that is to improve it in special session. I would urge the Minority "Ought to Pass" Report.

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

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. Exactly what will the cost be to the state ultimately if we establish a Bigelow Preserve?

The SPEAKER pro tem: The gentlewoman from Auburn, Mrs. Snowe, poses a question through the Chair to anyone who may care to answer.

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

Mr. PETERSON: Mr. Speaker, the answer to this question is unknown, and that is one of the problems with this bill. It is known land trades could be made with public land from private landowners in the area, so possibly approximately 18,000 acres of the 40,000 acres could be swapped. There is a possibility that this could happen. Negotiations have been going on. The landowners in the area have been carrying on negotiations with the Department of Conservation, so it would mean that the state would ultimately have to purchase the land presently owned by Flagstaff Corporation, who has development plans for Bigelow. Flagstaff

is a responsible developer. I don't cast any aspersions on the integrity of Flagstaff or its staff. I only think it has been an initiated bill. It got 44,000 signatures, and if it goes before the people in November, as it will if we defeat the measure, we are going to be stuck with a proposal which I don't think is that well drafted. I think if we enact it in this session of the legislature and improve it so we can provide for land swaps, we can come up with the sufficient bonds, that is the route to go.

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

Mrs. BERRY: Mr. Speaker, I would pose an inquiry through the Chair. Many of us have had bills that haven't had a fiscal note on them. This isn't enabling legislation. It is directed to acquire, and I would ask why this doesn't need to have a fiscal note on it?

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: That is one of the questions that really troubled me, but there is not way that it can be amended. The bill in its original form, the petition, did not specify any amount of money and the Constitution provides that when a petition is passed, is signed by a sufficient number of signatures, it must go out to the voters in that form, and this is what will happen. If we don't enact this, it will go out to the voters, possibly in November, and if they approve it, the state will be locked into it. I think if we approve it now, we can amend it in the special session and take adequate safeguards to assure ourselves that we are negotiating with these landowners in a posture of strength.

I don't know the price tag on it, but if we attach a fiscal note, it changes the petition and the bill will have to go out in its original form, so there is nothing we can do. We wanted to amend it in committee, but we found out from the Attorney General's Office that any changes that we make in this bill will cause it to go out in its original form. I would much rather leave it to the legislature to pass it now and correct it in special session than be stuck with a measure which we think has some problems, and I think this bill does have some problems and it doesn't provide the money for the acquisition.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think the direction that we perhaps should go today is to accept the "Ought not to pass" Report, because I believe the general public of Maine would be just as skeptical in supporting an issue such as this, based on the very questions that were raised by the gentleman from Windham, because of the lack of value and the cost involved.

I am not about to put my name on a roll call vote for something I am not sure what it involves as far as dollars and cents are concerned, and I have just as much faith in the people of Maine of not doing it themselves, so I would urge you not to support the "ought to pass" report and eventually support the report that kills the bill.

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

Mr. FAUCHER: Mr. Speaker, I move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The gentleman

from Solon, Mr. Faucher, moves that this Bill and all accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I have to say a few words on this bill. Bigelow Mountain happens to be — quite a lot of land is in my legislative district. I have testified at the hearing that none of the people in my district are in favor of this. If they are, they haven't called me up or said anything about it, but the Friends of Bigelow, as they call themselves, went around the state and got petitions to have the State of Maine, you and I, buy this 40,000 acres of land with no price tag on it and without telling us who is going to pay the taxes on that 40,000 acres of land.

I know a little bit about this. We have land developers who own some of that land who would like to spend a couple hundred million dollars, that is quite a lot of money, to start a four-season enjoyment there, a ski area, condominiums, and it would employ about four or five hundred people.

I happen to live in Somerset County where the employment is quite low. We need jobs for people. They are kind of hungry and they would like to have a few jobs. We don't have many jobs in Somerset County, and with 500 jobs available, that would be pretty nice for our people up there.

So, out of the 40,000 acres of land, they would take about 800 acres for development. They would still have 32,000 acres for people who like to hike, canoe or whatever.

In the State of Maine, the paper companies own about 17 million acres of land, about two-thirds of the land in the State of Maine, and I believe we have got plenty of recreation in the state for anybody who would like to go hiking or fishing or anything else, so I feel this is a bad bill, it is one of the worst bills I have seen this year, and let's kill it right now.

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

Mrs. BERRY: Mr. Speaker, I would just like to say that I got blamed by some people for 1994 last year, which wasn't funded at the time and I didn't vote for it. So I would just enjoy getting blamed for something rightly this time. I don't think the people realize there should be a fiscal note on this, so I don't believe they will blame the legislature for turning it down. They will have a chance to come again at the special session if they think they should put a price tag on it. I am for the indefinite postponement of this bill.

Thereupon, Mr. Finemore of Bridgewater requested a roll call vote.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I feel about this bill that if it goes to referendum, it may or may not pass, but of course if we pass it here, then there is no question about it, it is the fait accompli.

I have a letter from one of my constituents. It is very brief and I think it is a very good letter and I would like to read it if I may. It is to a man by the name of Ken Spaulding. My constituent says, I will not circulate the petitions of the Friends of Bigelow. I too am an AMC member. I am interested in protecting our ecology. I am an ordinary Maine native not a self-styled Friend of Bigelow. Your January 7th letter and the petition

accompanying it, disappoint me. Why? You overstate your case in the letter. I know of no proposal to bulldoze Mt. Bigelow, yet our slogan is to save Bigelow from the bulldozer. You talk about the entire western Maine mountain area being threatened. I don't know how you define the entire western Maine mountain area, but I do know that those who cry wolf so carelessly do the cause of ecology no good. The bill contained in your petition directs the purchase of 40,000 acres of land. It authorizes no expenditure of funds. There is no estimate of the cost of acquiring this land in the Statement of Fact. It is an obvious inference that you do not think the initiative petition would get the necessary signatures if an honest estimate of the cost of this legislative proposal was set forth in the Statement of Fact. I, therefore, say to you may the petition of the Friends of Bigelow be scorned as it deserves to be. As an AMC member, I add my resentments that you involved that worthy organization in what I consider a shoddy effort to promote a selfish cause. Sincerely yours, Willis A. Trafton Jr." Mr. Trafton, was at one time, the Speaker of this House.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out this is a nine to four "Ought Not to Pass" report. The reason I signed it "Ought Not to Pass" was because there was no means of funding the acquisition of the property.

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

Mr. JENSEN: Mr. Speaker and Members of the House: I would like to pose a question to anyone who might answer. If this referendum is sent out, would it be possible for the legislature to put along with it any estimate of cost without interfering, without sending a separate question out?

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

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Solon, Mr. Faucher, that the House indefinitely postpone Bill "An Act to Establish a Public Preserve in the Bigelow Mountain Area" Initiated Bill 1, L.D. 1619. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Carter, Connors, Cote, Curran, R.; Curtis, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Gray, Hall, Hennessey, Higgins, Hinds, Hunter, Hutchings, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Laffin, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern,

Mackel, MacLeod, Mahany, Martin, A.; Maxwell, Mills, Miskavage, Morin, Morton, Nadeau, Norris, Palmer, Pelosi, Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Webber, Winship.

NAY — Bachrach, Bagley, Bustin, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hobbins, Hughes, Ingegneri, Jackson, Jensen, Kany, Kennedy, LaPointe, McKernan, McMahon, Mitchell, Mulkern, Najarian, Peakes, Pearson, Perkins, S.; Peterson, T.; Pierce, Post, Rolde, Saunders, Shute, Silverman, Snow, Spencer, Talbot, Usher, Wilfong.

ABSENT — Churchill, Dam, Davies, DeVane, Doak, Dudley, Hewes, Jacques, Joyce, LeBlanc, Martin, R.; McBreaarty, Powell, Quinn, Smith, Tierney, Truman, Tyndale, Wagner, Walker.

Yes, 88; No, 42; Absent, 20.

The SPEAKER pro tem: Eighty-eight having voted in the affirmative, and forty-two in the negative and twenty being absent the motion does prevail.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move reconsideration whereby this bill was indefinitely postponed and urge you all to vote against me.

The SPEAKER pro tem: The gentleman from Wayne, Mr. Ault, moves the House reconsider its action whereby this bill was indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

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

The Chair laid before the House the thirteenth 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 5, by Mrs. Najarian of Portland.

Pending — Passage to be Enacted.

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

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

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

House Amendment "A" to Committee Amendment "A" (H-683) was read by the Clerk.

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

Mr. SNOW: Mr. Speaker and Members of the House: This amendment to "The Right to Know Law," which was sponsored by the Speaker with myself and the representative from Kennebunk as co-sponsors would clarify those provisions of The Right to Know Law which permits joint legislative committees to meet in working sessions. What it does, it gives us the opportunity to decide whether or not we wish the privilege of excluding non-committee members from working sessions of joint legislative committees. I

was moved to sponsor this amendment because the presence, particularly of lobbyists, during working sessions of some of the committee meetings, has not worked as many of us hoped it would have worked. They have debated with the members in some cases. They have, by their very presence, have inspired some of the committee members to address themselves in a fashion to the problems which they would not have addressed it, had the lobbyists not been there.

This does not allow for voting in working sessions with the public or lobbyists or both excluded. It merely permits the committees to have discussions solely between committee members and to exclude, if they so wish, those who are not members of the committee during these discussions. I hope that the House will favorably receive this amendment.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do not accept this amendment. I have been, personally, been very, very proud of the legislature this year for opening up our working sessions. I view this particular amendment as once again going to closed government. I hope sincerely that this amendment is not accepted.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In agreement with the gentlewoman from Waterville, Mrs. Kany, we have come a long ways in opening up government, and some of us, while being a little thick skinned about opening up, have finally agreed to the opening up as much as we are opening up. I would move indefinite postponement of this amendment.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I object to indefinite postponement of this amendment. I feel that many times when we have our committee hearings that people have been coming in there and then intimidating the committee with their presence. I feel we should have a free discussion amongst the committee members and then we should open up the meeting and vote with people present if they so wish. I don't think either that we should tie down future legislatures with this in mind. I think each session of each legislature should use their own rules and each committee should make its own rules. I don't think we should mandate anything for the future.

So, I support this amendment, I think it is a good amendment and I feel that we will be more freely to work on decisions that the committee makes than we are at present when there are people standing over our heads almost with intimidation.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I support the indefinite postponement of this amendment. It seems that in the guise of lobbyists out of our committee working sessions or, in fact, giving committees the right to keep everybody out of our working sessions. As far as the objection of individual non-members of the committee, let's say, debating with committee

members, as far as I am concerned, that is absolutely intolerable for any committee to permit that and that if they want to eject those individuals who won't abide by the rules, that is, to maintain silence while the committee goes about its work, unless they are asked to participate, that seems perfectly reasonable, get them out. As far as letting people sit and listen, I would have to ask, what is it that we have to hide from the public at large or the lobbyists, so to speak? What is it that we have to fear that they are sitting there listening to the discussion? If they do happen to come up with a valid point, all fine and dandy. It seems like what we are saying, we don't trust the other members of our own committee, obviously not us, to be able to take the pressures of people knowing exactly where we stand on these issues. I don't see where there is any need for this particular amendment.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mr. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that it is strictly up to the chairman of the committee to control what happens with the people who are present during committee sessions, executive sessions, and that it is useful to have the people there that might be able to contribute if you wanted to verify any facts or any previous statements that have been made. I don't feel any sense of pressure at all from having people in attendance on committee sessions.

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

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I would merely like to point out that this gives the committee the option of excluding non-committee members. It does not mandate it. Under amendments to "The Right to Know Law," which we have previously passed in this session of the legislature, the reasons for which executive sessions may be held, are rather carefully outlined. I feel that committees for the legislature, should a situation arise during a committee hearing, where they wish to have private discussions, that they should be able to do so. They are in no way required to do so. In most cases this would be by vote of the committee. I think many of the members of the house well know that there have been occasions where the committee chairmen have not wished to silence witnesses, that they have permitted them to debate with members of the committee, that they have raised the situation which is not a pleasant one, and which a free exchange of ideas is difficult. I would again remind the House that this is strictly optional, the committee may vote to exclude non-committee members or it may admit them, this gives them the power without any question to bar them, should they wish to do so.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: May I pose an inquiry to Mr. Snow. Are we asking special privileges to legislative committees that we are denying to other bodies that meet to deliberate?

The SPEAKER pro tem: The gentlewoman from Vassalboro, Mrs. Mitchell, poses a question through the Chair to the gentleman from Falmouth, Mr. Snow who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: The answer is, in this case, I am afraid the answer is, yes. I personally raised some questions about the law previously but the House was not very sympathetic to my point of view. So, the answer to your question is, yes.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to indefinite postponement of this amendment, because I think this amendment is needed. In fact, I am opposed to all this Right to Know Law because it is very, very artificial and unrealistic. People are led to believe that what they are supposed to find out, they are going to find out through the news media. Well, they aren't going to find out through the news media, if the news media doesn't choose to bring up certain matters or to quote very important statements. I could go on and give many examples of this at the present time, but I will just state again that the thing to do is to vote against the indefinite postponement and to pass this amendment and hope that some day we will wipe all of this foolishness against so called right to know.

The SPEAKER pro tem: The Chair recognizes the Senator from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: As a co-sponsor of this bill, with the gentleman at the rostrum, I thought a long time before deciding to speak, but I feel that I must.

I agree with the motion to indefinitely postpone the bill with all deference to my friend and co-sponsor, Mr. Snow, because, I think, number one, that the second paragraph of the amendment really isn't needed, it doesn't accomplish that much. Secondly, I think, the amendment runs against the grain of the intent of this bill and the intent of the earlier bill, L. D. 899, which has been signed into law by the Governor.

With the Senate Amendment on this bill right now, legislative committees would follow the same general guidelines as every other public agency. I think that we should not be willing to ask other public bodies to abide by rules differently than we will abide by.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: With reference to some remarks about what should be and what should not be open to the public or any other persons, I would say that when you begin to get selective about openness in government, you end up by closing most of the doors.

There was a remark made that each legislature at each session should take this question up. I say that if you have openness, you have it in one session, it is based on a democratic principle and it should be based on a statute which should exist forever, except if future legislatures wish to debate it and amend it. I would say in summing up, that as Woodrow Wilson said, "you have to have open covenance, openly arrived at." There is no gray area, it is either open, honest, government or it isn't.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: Of all the public bodies whose proceedings should be open to all interested parties, paid agents, citizens, press and anybody who care to come, it should be legislative proceedings and the work of legislative committees. I would ask you to support the amendment for indefinite postponement.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the House indefinitely postpone House Amendment "A" 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.

71 having voted in the affirmative and 16 in the negative, the motion did prevail.

Thereupon the House voted to accept Committee Amendment "A" in concurrence. The Bill passed to be enacted and signed by the Speaker and sent to the Senate.

The Chair laid before the House the fourteenth tabled and 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)

Tabled — June 5, by Mr. Rolde of York.

Pending — Final Passage. (Roll Call Ordered)

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: We had a pretty good discussion on this last week. I think, as far as I am personally concerned, I am very reluctant to see the Constitution opened up, as was pointed out last week, that this has happened at least at one state and the comment was made, it has turned the Constitution somewhat into a hodgepodge. I just hope that you will not vote for enactment of this bill.

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

Mr. SPEAKER: Mr. Speaker, Ladies and Gentlemen of the House: This did receive a full discussion last week and I would just like to make one point, that is, as this bill is written it provides for an initiative mechanism for a constitutional amendments. It is not an initiative mechanism which requires that the proposal go on the ballot. What it provides is simply that if the requisite number of signatures is obtained, the proposed legislation will come to this legislature. It then must receive a majority of the full membership of each House in the legislature. It is not a majority of those present and voting but a majority of the full membership. If it doesn't pass that test, it is then dead and it does not go out to referendum; if it does receive a majority of the bill membership of the legislature, it then goes to referendum and must receive two thirds vote of those voting on it in the referendum. There are 14 states which have initiative mechanisms for constitutional amendments and of those 14 states, this proposal would be far the most conservative. The state that was referred to where this has created a problem requires that once you get the signatures, it goes on the ballot and this bill is very different from that bill.

Questions have been raised as to the impact of this bill on the bonding authority of the state and we requested an opinion from John Benoit in the Attorney General's Office and he has informed us that it would not have any effect at all on the bonding power authority of the state or on the states bond rating. We also checked with Rodney Scribner and he felt there would be no effect on the states bond rating, it is an entirely different subject and it simply establishes a mechanism whereby the public can initiate in a forceful way, a constitutional amendment. The Bill of Rights are excluded to cover situations that made some people on the committee nervous so that the initiative petition could not relate to an amendment of Article 1 of the constitution. I think that this is a very conservative initiative mechanism and I think that the fears which have been expressed in the corridors are largely unfounded. I would urge you to support it.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I consider that we have a fine group of people headed by Attorney General Brennan in the Attorney's General office. I have checked with them and I agree with the gentleman from Standish, Mr. Spencer. I have checked with Mr. Scribner, I had a long discussion with him. I have also checked with other people I consider are experts in the field and my fears have been relieved. On that basis, I am going along with this piece of legislation. I was concerned with these bonding programs and my fears are unfounded and I am satisfied that the gentleman from Standish, Mr. Spencer, was stating the facts as they are.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I spoke on this bill last Friday, and I am not going to repeat what I said, but that bill was not good Friday and it is still not good today, I can assure you. It is just a backdoor approach to reduce this House. Now, if you read this bill and read it carefully and study it, this is what it is going to do eventually. So I hope you will go along with the motion to kill this bill.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Neither am I going to go over all the ground that was covered last week but inasmuch as in the debate it was pointed out that this was a bill for the people, I made an effort this weekend to talk to some of the people in the district where I come from and without anyone of them feeling any different, everyone of them rejected this concept. They feel as I do, and some of the others do, that the Constitution is in place and we shouldn't open up the possibility of having it modified on the basis of so-called popular wish. I hope we can let this little gem fail passage here today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I wish to pair with the gentleman from Orono, Mr. Davies. If he were here, he would be voting yes; I am voting no.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Kelleher wishes to pair with the gentleman from Orono, Mr. Davies. If Mr. Davies were here, he would be voting yes; Mr. Kelleher would be voting no.

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

Mr. PERKINS: Mr. Speaker, I wish to pair with Mr. Tierney of Durham, if he were here, he would be voting yes; I would be voting no.

The SPEAKER: The gentleman from Blue Hill, Mr. Perkins, wishes to pair with Mr. Tierney of Durham. If Mr. Tierney were here, he would be voting yes; Mr. Perkins would be voting no.

The SPEAKER: A roll call has been ordered. The pending question is final passage. This being a Resolution proposing an amendment to the Constitution, it requires for final passage the affirmative vote of two-thirds of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bennett, Blodgett, Boudreau, Burns, Bustin, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; DeVane, Doak, Dow, Drigotas, Dyer, Farley, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Higgins, Hinds, Hobbins, Hughes, Ingegneri, Jackson, Jalbert, Kany, Kennedy, LeBlanc, Leonard, Lynch, Martin, A.; McKernan, Mitchell, Mulkern, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Quinn, Rideout, Rolde, Snow, Snowe, Spencer, Susi, Theriault, Twitchell, Usher, Wilfong.

NAY — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Bowie, Byers, Call, Carey, Carpenter, Churchill, Connors, Cote, Curran, R.; Curtis, Durgin, Farnham, Faucher, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Hennessey, Hunter, Hutchings, Immonen, Jensen, Joyce, Kauffman, Kelley, Laffin, LaPointe, Laverty, Lewin, Lewis, Littlefield, Lizotte, Lunt, MacEachern, Mackel, MacLeod, Mahany, Maxwell, McMahon, Mills, Miskavage, Morton, Nadeau, Palmer, Peterson, P.; Pierce, Raymond, Rollins, Saunders, Shute, Silverman, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Torrey, Tozier, Tyndale, Walker, Webber.

ABSENT — Dam, Dudley, Hewes, Jacques, Lovell, Martin, R.; McBreairty, Morin, Perkins, S.; Powell, Smith, Truman, Wagner, Winship.

PAIRED — Davies, Kelleher, Perkins, T.; Tierney.

Yes, 60; No, 72; Absent, 14; Paired, 4.

The SPEAKER pro tem: Sixty having voted in the affirmative and seventy-two in the negative, with fourteen being absent and four paired, the Resolution fails of final passage.

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

Mr. SILVERMAN: Mr. Speaker, having voted on the prevailing side, I now move for reconsideration and ask that you all vote against me.

The SPEAKER pro tem: The gentleman from Calais, Mr. Silverman, moves that we reconsider our action. Those in favor will vote yes; those opposed will vote no.

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

Sent to the Senate.

The Chair laid before the House the

fifteenth tabled and today assigned matter:

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-659) — Committee on Transportation on Bill "An Act to Establish the Maine State Ferry Advisory Board" (H. P. 1308) (L. D. 1651)

Tabled — June 6, by Mr. Strout of Corinth.

Pending — Motion of Mr. Fraser of Mexico to Accept the Minority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I hope today that you oppose the motion "Ought to pass" on this particular bill. It came out of committee with a Majority of 10 "Ought Not to Pass" and Minority of 3 "Ought to Pass". What this piece of legislation proposes to do is to establish the Maine State Ferry Advisory Board. I don't feel that it is necessary. The Transportation Department, at the present time, is working on a situation where sometime this summer they are going to be able to work with the Maine State Ferry in trying to work out the problems that they have been having.

Also, what we are actually trying to do here today is to establish another board and I don't think that this legislature wants to establish any more boards and therefore, if it is in order at this time, I would move for the indefinite postponement.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I hope very much that we do not indefinitely postpone this bill and I am, very frankly, surprised that the Transportation Committee has given this bill such a bad report.

The bill is sponsored by the gentleday from Owls Head, Mrs. Post, and the gentleday from Lincolnville, Mrs. Saunders and myself are cosponsors. The three of us represent six island communities that are presently served by the Maine State Ferry Service. The Department of Transportation assumed responsibility for the ferry service under reorganization on July 1, 1972, from the old Maine Port Authority. I can assure you that they inherited an unbelievable amount of problems with the administration and operation of the ferry service.

The present Commissioner and Deputy Commissioner, Mr. Mallar, and Mr. Leuttich, have worked extremely hard, and I can't overemphasize the amount of time, particularly that Mr. Leuttich has put in, trying to straighten out the operation and the administration of the ferry service. He has spent long hours meeting with the employees of the ferry service and I think we have come a long way since the ferry service has come under the domain of the Department of Transportation.

When the ferry service was previously under the Port Authority, there was an advisory committee similar to what is being asked for in the bill before us today, and I think it is fair to say that the residents of those islands that are served by the ferry service had an opportunity to make some input into the operation of that ferry service. Now this is not to say that perhaps this can't happen today, but it

certainly doesn't happen in an organized structure.

During the three years that I have represented Swans Island and Frenchboro, I have had a number of requests to have this ferry service committee reinstated. I have made those requests to the department and it has, basically, fallen upon deaf ears. In a sense, I have been told that a transportation advisory committee would be established and the ferry service would have some representation on that board but this is better than a year and a half ago and I see no moves in the direction of creating this ferry service advisory board.

I would hope today that you would seriously consider opposing the motion to indefinitely postpone because I think the enactment of this bill will provide an opportunity to users of the ferry service to have some input into the operation of the ferry service and I think in all reality that it will become an asset and a help to the Department of Transportation.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Owls Head, Mr. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to take up your time this afternoon with a bill that probably is only of interest to people in five islands communities and perhaps the Department of Transportation. I do so only because it is of great interest to the people on the islands.

I think you need to realize what it means to the island people to have as their only form of transportation this ferry service. Their lives revolve around the ferry service, and if it doesn't come for two or three days, it is a disaster. They can't get off for a dentist appointment or they can't get their mail or they can't get off to get their food and there are many problems which arise around the ferry service and some of them are big and some of them are small. Almost all of them, if they were dealt with at an early point along the way, they wouldn't reach the crisis proportions that some have to get to before somebody finally calls up the Transportation Department of the Department of Transportation finally sends somebody down to Rockland or to Vinalhaven or to Islesboro to take care of that problem.

Actually, what we are trying for in this bill is a preventative measure. I would like to point out that it is a board only made up of one person from each community and there is no price tag on it simply because we are not even asking the Department of Transportation to pay for mileage from wherever these people happen to come onto shore on the mainland up to Augusta. All we are asking is that the Department of Transportation provide car service and that should be no extra cost on the ferries. The people are willing to do this, people are willing to pay for their own lunch up here, they are willing to pay to come up to Augusta and in some cases they may even be willing to pay them to stay overnight because sometimes the ferry schedules don't lend themselves to visits to Augusta. They are willing to do this only because they feel so very strongly about this particular problem. What they have done on one island, which is Vinalhaven, at their town meeting they set up their own little group within the town meeting right on the island to deal with some of the problems of the ferry service and that group came up to Augusta to testify very strongly in favor of this bill.

What we hope to do with this bill then is

to provide a mechanism for communication between the people who live on the islands and Augusta, which controls such a large part of their lives in the ferry service. We are asking for a chance for people that come from the different islands to have a chance to get together, because sometimes if they could explore some of their common problems, then they might be able to work out some common solutions.

What happens when one ferry is taken off the line, everybody along the whole system has to have a smaller ferry and therefore there are cars waiting on the mainland. It is one of the kinds of problems that somehow they might be able to work out together some solution.

I too am surprised and I guess a bit dismayed at the Department of Transportation's stand on this bill and therefore the negative committee report, but I would hope that you would vote against the motion to indefinitely postpone and then accept the Minority Committee Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I submit to you today that if you establish this Maine State Advisory Board that can be worked out, between the island residents and the Department of Transportation, you are going to have requests coming in from all over the State of Maine, every time we have a problem in our area, we are going to be calling the Department of Transportation and setting up some kind of a board. I don't think that this is the route that we want to go, every time that somebody on the island or somebody out here in the southern part of the state or northern part that doesn't seem able to get the information you want out of the Department of Transportation, we come down here and establish a board, and I hope you support the motion to indefinitely postpone.

The SPEAKER pro tem: The pending motion is on the motion of the gentleman from Corinth, Mr. Strout, to indefinitely postpone this bill. The Chair will order a division. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

The gentleman from Stonington, Mr. Greenlaw, requested a roll call.

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

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am glad a roll call was called on this because I voted the wrong way because one of my seatments commented on a chicken advisory committee, which actually has nothing at all to do with this, but it distracted me and I voted the wrong way.

I think we should pass this. I think we are dealing with a very small segment of the coastal community. I think they have a problem. They are willing to spend a great deal of their own money in order to attend the hearings and come to this. It doesn't

affect the majority of us in the state, it just mostly affects the island communities and I hope you will support this.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond one more time. I think we obviously do have boards that take care of problems for people in various parts of the state. We have a board for the beauticians, we have one for pharmacists, we have one for doctors, we have the potato board, we spend money for spruce budworm, we spend money for railroads, we spend money for a lot of things, but what we are asking the legislature to do right now is not to spend a lot of money. All we are asking the legislature to do is to give the legislative intent that this advisory board can be set up. It is the people on the island communities, which is going to be taking the time, and I really find it difficult to believe that this legislative body could turn down such a request.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: You are probably wondering why I am up on my feet speaking about this bill, but I thought being a resident of the City of Portland and the City of Portland has some constituents that are island residents, I might speak to you on this issue. Us Portland legislators have several bills that have been in the process of going through the legislature, some unsuccessfully, a few are still alive, but I can tell you this, the island residents, regardless of where they are on the coast, they do have a unique problem and even though this is a local issue and it is not going to affect the City of Portland at all, I would like to see you go along with this bill today.

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

Mr. MCMAHON: Mr. Speaker, Ladies and Gentlemen of the House. I am all for this bill, giving the island residents a say. I would like to pose a question to any of the three cosponsors of this bill. Will any of you be back here in another session with a \$50 a day for expense charge to go on this advisory board if it becomes in fact a reality? If you answer in the negative, I will certainly vote with you.

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Kennebunk, Mr. McMahon's question, I will unequivocally state that I will not be back in here to try to attempt to put any money on this bill to reimburse people for expenses or for per diem. The three of us have made it clear to the island residents that there is no money on this, they would not be reimbursed for expenses, they will not receive a per diem, and what they want is to have a say in the administration or operation of the ferry service. It only really deals with three of us, but I would ask you, please, to give us your support and vote no on the motion to indefinitely postpone so we can adopt the "Ought to Pass" Report.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: At the committee workshop hearing, I think it was brought out that the Department of Transportation is cooperating with the islands to the best of their ability and this summer they will have a complete study. However, it was brought out at the committee hearing that some of the town officials of these islands do not have the time or cannot take time off from their everyday jobs to go to these meetings.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond very quickly to the comments made by the last speaker. It is not necessarily the intent that the members on this advisory committee would be town officials, they could be any one of a number of people from the general population and the previous advisory board, I think, we made up of non-officials of the town and I would suspect that this would be no different.

I know that the department is against this but, again, I would ask you to vote no on the motion to indefinitely postpone.

The SPEAKER: The pending motion before the House is on the motion of the gentleman from Corinth, Mr. Strout, that this bill be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bagley, Berry, G. W.; Berry, P. P.; Bowie, Burns, Call, Carey, Carter, Curran, R.; Doak, Dow, Durgin, Dyer, Farnham, Faucher, Finemore, Garsoe, Gauthier, Hunter, Immonen, Joyce, Kauffman, Laverty, Lewin, Lewis, Lizotte, Lunt, Lynch, Martin, A.; Maxwell, McKernan, Morton, Palmer, Peterson, P.; Raymond, Rideout, Rollins, Shute, Silverman, Snowe, Strout, Stubbs, Susi, Teague, Theriault, Tozier, Usher, Walker, Webber.

NAY — Ault, Bachrach, Bennett, Berube, Birt, Blodgett, Boudreau, Bustin, Byers, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Cooney, Cox, Curran, P.; Curtis, DeVane, Drigotas, Farley, Fenlason, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hinds, Hobbins, Hutchings, Ingegneri, Jackson, Jensen, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, LeBlanc, Leonard, Lovell, Mackel, MacLeod, Mahany, McMahon, Mills, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Quinn, Rolde, Saunders, Snow, Spencer, Sprowl, Tarr, Torrey, Twitchell, Tyndale, Wilfong.

ABSENT — Connolly, Cote, Dam, Davies, Dudley, Fraser, Hewes, Higgins, Hughes, Jacques, Jalbert, Littlefield, Martin, R.; McBreairey, Morin, Norris, Powell, Smith, Talbot, Tierney, Truman, Wagner, Winship.

Yes, 51; No, 76; Absent, 23.

The SPEAKER: Fifty-one having voted in the affirmative and seventy-six in the negative, with twenty-three being absent, the motion did not prevail.

Theupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-659) was read by the Clerk and adopted and the

Bill assigned for second reading tomorrow.

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

House Divided Report — Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-661) — Minority (6) "Ought to Pass" as amended by Committee Amendment "B" (H-662) — Committee on Marine Resources on Bill "An Act to Temporarily Suspend the Lobster and Crab Fishing Moratorium" (Emergency) (H. P. 1141) (L. D. 1237).

Tabled — June 6, by Mr. Greenlaw of Stonington.

Pending — Acceptance of either Report.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I am going to ask either the Assistant Majority Leader or the Majority Leader to table this for two days in just a minute but very briefly I want to have a word of explanation.

Part of this bill replaces the three-year residency requirement that the federal court struck down last December. There have been a number of us who would like to see a six-month residency requirement go onto the bill, and as such, I have written a letter to the Attorney General asking him to give us an opinion as to whether or not it might be constitutionally suspect. He indicated to me this morning that he would have an opinion ready tomorrow morning and we need to have the opinion before we accept either one of the reports, so I would ask the Majority Floor Leader to table this for two days, please.

On motion of Mr. Rolde of York, tabled pending acceptance of either Report and specially assigned for Wednesday, June 11.

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

House Divided Report — Majority (12) "Ought to Pass" — Minority (1) "Ought Not to Pass" — Committee on Marine Resources on Bill "An Act to Provide for Licensing of Sternmen on Lobster and Crab Fishing Boats" (Emergency) (H. P. 1676) (L. D. 1923).

Tabled — June 6, by Mr. Greenlaw of Stonington.

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

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

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

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

Tabled — June 6, by Mr. Rolde of York.

Pending — Passage to be Engrossed as amended.

Mr. Lewin of Augusta offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-666) was read by the Clerk and adopted.

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

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

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

Tabled — June 6, by Mrs. Kelley of Machias.

Pending — Passage to be Engrossed as amended.

Mrs. Kelley of Machias offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-679) was read by the Clerk.

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

Mrs. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment would allow members of the board for VoTech. schools to be elected rather than appointed. Some of the people in Washington County feel that this would be more fair than the present method and would provide for more of a certain representation. The feeling is that some people would like to be on the VoTech. Boards but not necessarily on a regular school board, which is the case at the present time. This would be a permissive type of thing. The counties could do this but they don't have to, if this were to go through, and the argument is this would be voted on at large, and the argument has been brought up that the small town would not get the representation but the people that asked me to present this feel that this would be a start and possibly if this did not work, if this method did not work that this could be changed to meet the requirements that they want and I hope that you will accept this.

Mr. Jalbert of Lewiston moved the indefinite postponement of this amendment.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This I think dismantles cooperative boards that will become uncooperative. The thrust of this amendment is to do two things. It is to put the municipal officials right in the middle of the cooperative board. The other thrust is to make the secretary of the board a substitute for the Secretary of State. It involves another election, it involves additional ballots, it makes a mess out of the setting up of a cooperative board.

If you will look at the bill as drawn up and presented and then compare it with the amendment, you will see that the board says the size of the cooperative board, the number to serve on the cooperative board from each unit or group of units. The amendment does not say that each unit or group of units shall have representation. It simply says that the determination of whether the members of the board shall be appointed or elected. This is from an area that has been the least cooperative in vocational education, it comes from a group that is, I would think, disgruntled, and they are going to revise the whole system of our cooperative boards throughout the state to get at a solution to their own individual problems.

I hope you support the indefinite postponement.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "B" be indefinitely

postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

76 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

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

At this point, Speaker Martin returned to the rostrum.

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

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

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

An Act to Enable the Department of Health and Welfare to Conduct a Program to Provide Free Drugs to Elderly, Disadvantaged Maine Citizens" (H. P. 1413) (L. D. 1683) (C. "A" H-472)

Tabled — June 6, by Mr. Kelleher of Bangor.

Pending — Passage to be Enacted.

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

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

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

Tabled — June 6, by Mr. Rollins of Dixfield.

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 twenty-second tabled and today assigned matter:

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

Tabled — June 6, by Mr. Goodwin of South Berwick.

Pending — Motion of Same Gentleman to Indefinitely Postpone House Amendment "A" (H-647) to Committee Amendment "A" (S-195)

Mr. Burns of Anson withdrew House Amendment "A" to Committee Amendment "A".

Mr. Goodwin of South Berwick withdrew his motion to indefinitely postpone House Amendment "A" to Committee Amendment "A".

Mr. Burns of Anson offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-681) was read by the Clerk and adopted.

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

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

The Chair laid before the House the

twenty-third 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 6, by Mr. Goodwin of South Berwick.

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

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

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make the motion to indefinitely postpone this bill and all accompanying papers and request a roll call, and would speak to that motion.

The SPEAKER: The gentleman from Sanford, Mr. Lovell, moves the indefinite postponement of this bill and all accompanying papers, and requests when the vote be taken, it be taken by the yeas and nays.

The gentleman may proceed.

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: I have given a great deal of thought to this bill. I have had a good deal of experience in eye care. I have been filling eye care prescriptions for 45 years.

In 1955, as District Governor of the Lions, I attended a convention in Atlantic City and saw the floats of the various states in the United States and the Lions Clubs activities on eyes.

In the 100th session, I sponsored a bill which was passed so that persons could donate their eyes after death, to the eye-bank. In going over all these different things and listening to the testimony on this particular bill, and before the Committee of Health and Institutional Services, I stopped and thought and said, I have got to do the right thing. I am afraid I don't know what the right thing to do is. So, I wanted a study but was unable to get a study, so I had to sign the "Ought Not to Pass" Report.

Now, the M.D.'s in the convention last year in Kennebunk passed a resolution not to allow the optometrists to use eye drops. Now, these M.D.'s, I don't know, as they know too much about eye drops. The ordinary M. D. doesn't, the ophthalmologists does, but not the M. D. The M. D. has his eight years and college and then he steps into the field and he is a general practitioner. On the other hand, the Maine Board of Maine Medical Association put out a position paper against optometrists using eye drops. I am not sure they are right either, because they are general practitioners. On the other hand, a number of M.D.'s from Rumford, a number of M.D.'s from Calais and other parts of the state sent in letters to the committee and stated that they were for optometrists using eye drops. Now, I stopped and analyzed the thing over in Thailand and I said, what is the right position for me to take? On the amendment on this particular bill, they have amended out cycloplegics, mydriatics, to enlarge the pupil eye is on the bill and anesthetics to instill in the eye for the treating of various diseases such as glaucoma.

Mydriatics, in some cases, if according

to the optometrist, and I say in either case the ophthalmologist have all the business they can handle so they are not working to kill this bill for a case of money, and neither are the optometrists because they gain nothing either.

So, consequently, I had to figure out, what is the thing. I became more afraid and I said I think we should do something more on this and to prove. Several states have passed this bill to allow optometrists to use eye drops, but on the other hand, it hasn't been long enough for us to determine, that according to the ophthalmologist, which may have exaggerated that many patients in their own office had anaphylactic shock and rapid heart beating and could well have died so they kept a syringe with adrenalin there and oxygen when they were treating the patients in the ophthalmologists office.

Now, as far as glaucoma is concerned, a most prevalent disease, the optometrists have a machine to detect glaucoma. In fact, actually, you could almost detect glaucoma yourself. As I am looking over here straight ahead I can see from the corner of my eye Neil Rolde, not that means-like the Speaker of the House he can look straight ahead, I have noticed him look straight ahead and see Neil Rolde standing up, so he looks out the corner of his eye, so he hasn't got glaucoma, I am sure of that. Now the Lions Clubs throughout the state have their own mobile and they are testing for glaucoma at all times, sometimes with M.D.'s and sometimes with optometrists. They do have the machine to test for glaucoma without using eye drops. In fact, one particular note here that I noticed in the Lion Magazine, the Mass. College of Optometry with the Norwood Lions Club, the seniors of that class had a glaucoma screening area and they tested free of charge 125 persons and found 25 cases for referral. They used a machine that did not need eye drops.

The thing that bothers me and I am not going to talk any longer on this—the thing that bothers me is that, well, the Board of Registration of Medicine in Maine, they say the optometrists shouldn't use eye drops but I don't think they know, actually, too much about it because they are general practitioners. So, the whole thing has set me on the point that I am afraid to allow this bill, at this time, to pass. I hope that you will go along with my motion.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I think no other bill before our committee gave us as many problems or took as much time as this bill, L. D. 556.

The purpose of this bill, as outlined in the Statement of Fact of the bill, is to permit optometrists to use topical drugs in conducting eye examinations. Which in turn, will contribute to the early detection of glaucoma and other eye diseases. It is a diagnostic tool to permit optometrists to examine the eye by applying these drugs on the eye with an eye dropper. The practice of optometry has been regulated by statute for over 65 years, there have been many changes in the quality and scope of optometric educational requirements and subsequent development and new techniques and services since that time, the original licensing laws went into effect.

Under the law, an optometrist is charged with two broad functions, one, is examining the eye and analyzing ocular

functions, the second is correcting defects in vision by any and all means other than the use of drugs or surgery. This bill continues the prohibition against the use of drugs by an optometrist in the correction of visual defects but allows a limited use of pharmaceutical agents or drugs for the purpose of examination of the eye and analysis of the ocular functions. At the same time this bill provides that optometrists who are currently licensed will only be permitted to use diagnostic pharmaceutical agents after having successfully completed additional transcript quality education and training now available through accredited educational institutions. These optometrists will then be examined and their proficiency in the use of diagnostic pharmaceutical agents by the State Board of Optometric Examiners before being permitted to use such agents.

Optometrists currently have the responsibility of examining the eye and recognizing pathological or diseased deviations from the normal and are charged with the positive responsibility of referring a patient to a physician for further examination and/or treatment whenever deviations appear.

This bill, by permitting optometrists to use diagnostic pharmaceutical agents in their examination would now give optometrists another essential procedure to allow them to discharge this responsibility. It will enable the optometrists to see more of the interior of the eye in his examination when advisable and enable him to use additional modern instrumentation along with various types of tonometers and other tests he currently uses for the detection of glaucoma.

In brief, it would afford the optometrist the prerogative of utilizing additional tests for more complete detection of pathology. There are approximately 140 licensed optometrists geographically distributed in rural and urban areas of Maine. There are only about 1/3 that number of physicians who specialize in the treatment of eyes alone, and most of them, are concentrated in urban areas. In fact, as I understand it, there is only one in Aroostook county, and he is reducing his practice now. As I said, there is only one in Aroostook County. Basically, what this will mean, I think, in plain English, is it will mean that those people who go to optometrists for an eye examination will now be able to get a more complete examination and there will be greater chance of early detection of one of the most prevalent eye diseases which is glaucoma. This is an extremely prevalent disease and as people get older, it is approximately 2 percent of the population nationwide and that figure gets much higher as you get older.

This bill does not allow the optometrist to use these drugs to treat eye disease nor does it allow them to administer the drugs orally or by injection. It is only merely a topical application of a drug and we received much information, much information, from both sides of this as to the pro's and con's of this, we received reports on adverse reactions, we had our legislative assistants review some of these reports, and in no cases were they able to find any seriously documented evidence that the drugs used in the strength that the optometrists in the State of Maine will be using them, have caused any serious problems. There have been problems caused when these drugs are used at a much stronger strength, as if they would be used when they are used in a hospital or

something of this nature. As they will be regulated by the Department of Health and Welfare through the Bureau of Health, the strengths that the optometrists will be using will — there are no cases of any reported serious reactions to these drugs.

With that, I hope that you do not go along with the motion to indefinitely postpone this. I would just like to clarify that from the original bill, the amendment took out two of the drugs, we are only talking about topical anesthetics which will aid in the detection of glaucoma and mydriatics which will aid in the detection of other types of diseases such as diabetes and some of these things which then the optometrists can immediately refer to the proper physician. There will be some other members of the committee speaking on this, but I would hope that you would go along with the committee report.

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

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: I am glad to follow Mr. Goodwin in asking you to be in favor of this bill. You will recall that last week we discussed very much the medical situation across the state and your optometrist is your familiar eye doctor. He is available and we would like very much to give him this use of the drugs, which will make it more possible for him and it is more available for him to make a more accurate and a quicker diagnosis of eye conditions, particularly this matter of glaucoma. It means that he diagnoses, he does not treat, he is in close touch with the ophthalmologist and can send his patients to him when necessary. We feel strongly, after looking into this and deciding that the drugs are not harmful, that this drug should be given to the optometrist for service to the people across the state. I ask that you do not indefinitely postpone this bill.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill was indeed, one of the most difficult, I think, to come before our committee. Like my good friend from Sanford, to make what I feel is the right decision, it was the most heavily lobbied of all the bills, I think, in terms of telephone calls and conferences in the hallway and stacks of information but over the weeks and really months, I guess, since we have had our hearing, I have thought about it and I have talked with a great deal and I did come out with some reservations. My reservations in reference to this bill were specifically to the cycloplegics and the miotics and I support the committee amendment which deletes those two drugs and I would agree with my good friend from Sanford that these should be studied. However, with the topical anesthetics and with the mydriatics, I would like to share with you some of our research findings. As Mr. Goodwin said, the optometrists will be told specifically which of the topical anesthetics and which of the mydriatics they will be able to use, by the Commissioner of Health and Welfare, or his designee. They will also be told the strength, the concentration of the drop.

From the textbook on ophthalmology, 1970, recent study, and these drugs have been studied, we have a report on the hydroxylamine amphetamine hydrobromide which is one of the mydriatics, that the optometrists

would like to use, also on the phenolprine hydrochloride and the reports here indicate in the discussion within the text, no evidence of either local or systemic side effects. We have reports here from four others, no significant side effect result from topical application, no discussion of side effects, no adverse reactions are listed. It would appear to me, that if it was as serious as some of the ophthalmologists would have you believe at the hearing, that side effects that they alluded to would not be difficult to document, they would have jumped out of studies and out of textbooks. I guess the point that really drove it home for me in terms of voting the "Ought to Pass" is that these mydriatics, you and I can go out and buy this afternoon over the counter and apply ourselves. For example, I am sure many members of the House have heard of neo-synephrine, and neo-synephrine is a brand of the phenolprine hydrochloride, one of the drugs that they are requesting. In fact, the directions for use, and these are nasal drops, the direction on this bottle calls for twice as much as what the optometrists want to use. Several drops, each nostril every four hours. They want to use much less than that. I would also point out in terms of the systemic nature of the drug, the ability of the drug to be absorbed and to have reactions in your total system, these drops here will be much more readily absorbed through the mucus membrane of the nostril than it will the eye.

I have supported the Committee Report "A" for the topical anesthetic and the mydriatic and boiled it down to the facts that our research people were able to find and what is going to give the people of Maine the best opportunity for eye care.

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

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen: Just to answer a few things mentioned. The good gentleman from South Portland, Mr. Curran cited an example of a nose-drop, Neo-Synephren nose drop, well, I suggest to you and as I said I'm afraid of this bill, but a nose drop is no comparison with an eye drop. Eyes are one of the most sensitive parts of the body and when you put a drop into an eye in a matter of seconds it goes to the system, that's why the ophthalmologists are so afraid of this thing, that's why. Now he told you the optometrists were all for using eye drops. The ophthalmologists were against it. Now, consequently, that's why I'm afraid of the bill just as Brother Curran has stated and as Mrs. Laverty has stated, glaucoma is one of the most prevalent and as I mentioned but didn't finish, in 1955 as District Governor of the Lions along with Dr. Sweet from Island Falls, we established the Maine Sight Conservation Association sponsored by a Lions Club of Maine and my secretary was Chief Judge Ralph Ross of the District Court who drew up the Constitution and By-laws and we have tested glaucoma throughout the state and glaucoma is easy to test for. You don't need these strong drugs to test for glaucoma. Now I submit that optometrists take a 72 hour course to use eye drops, but an ophthalmologist, after four years of medical school and four years of college, he goes three years to be a licensed ophthalmologist. I don't think there's any comparison, that's why I'm afraid of the bill or maybe the optometrists did exaggerate, maybe the ophthalmologists exaggerate but that's why I'm still afraid of the bill because

some of these drugs or mydriatics such as adrenalin, cocaine, who is going to tell them how to use, if they don't have an ophthalmologist in the Department of Health and Welfare, who is going to tell them. Now cocaine in the eye can cause acute rapid pulse, elevated blood pressure, heart attack and the person could well die. Now, we'll simply say, that if they use the drops, only one person in five thousand died, because they don't have adrenalin and oxygen in their office, one person out of five thousand, you wouldn't want you or your family to be that one person in five thousand so that's why I'm afraid of the bill and that's why I've got to go against the bill and I hope that you will certainly go along with my motion because I figure it is very, very important.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I have only the highest respect and admiration for the legislator from Sanford, Mr. Lovell. I've served with him on this committee, listened to him and have a lot of faith in what he says, however, today, having served on that same committee I must oppose him.

One of the points that I would like to bring up which he already has mentioned is on the hours of instruction. I think he mentioned that the optometrists had 70 hours of instruction, I don't think that's entirely correct. The information I have, tells me that they have 126 hours of instruction before they can administer these eye drops. That compares with the dentistry profession which has only 70 hours of instruction to use these same drugs. Now the dentists inject these drugs in a much larger quantity or much larger dosage than what the optometrist would use, so I don't think that his argument in that respect is a good one. All optometrists using drugs must take a board-approved pharmacology course and must pass a written examination and this 126 hours is part of that, so I urge you to, — there was nothing brought up that said these drugs would be detrimental any more than the aspirin is detrimental in some cases to some people so I hope that you will reject this motion made by the gentleman from Sanford, Mr. Lovell and will support the majority report.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this indefinite postponement of this bill because, in my estimation, to do such a thing as this, you would be restricting professional men. These professional optometrists must have a license from the State of Maine and the State of Maine demands that they take the course in Pharmacology which includes the uses of these drugs, mydriatics and cycloplegics and the like. The little homework that I did on this particular bill gives me the information that optometrists are available in practically every part of the state. This is not a self-interest bill, this is a bill to help our people in the state. According to the records, 70 percent of our Maine citizens choose optometrists for their vision care. If 70 percent of the people in the State of Maine choose optometrists for vision care, then it is well that we line these people up to give these tests. According to the books, optometrists detect and ophthalmologist will help to cure and to treat. Rural Maine is served by

optometry, there is no board certified ophthalmologist north of Bangor, not one ophthalmologist that is certified is available north of Bangor, so in my estimation, it would do us well, there is no grandfather's clause in this bill. All of the optometrists using the drugs must take the board-approved Pharmacology course which will be given at the University of Maine in Portland and I do hope that you vote against the indefinite postponement of this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: We are dealing with a very professional subject here, I, at the outset, would like to indicate I am not a professional, I did go to the hearing and I listened very intently and most of what has been said here so far this afternoon, I guess is true to a certain extent. I am concerned and feel as usual, with the consumer.

I learned one thing at the hearing, I learned that there is an instrument available presently that the optometrist may purchase that he can make this examination and do just exactly as good a job without fooling with drugs at all, he doesn't have to inject at all, he can do this with an instrument and determine whether or not there is glaucoma present. Now the reason I bring this up, and again, I'm not a professional, but I have noticed the last few days that a bill flying back and forth between these two Houses dealing with malpractice insurance. Now, I submit to you and I submit to the people in the State of Maine that all one of these gentlemen has got to do is to put the drops in one eye and have one adverse reaction and then every optometrist in the State of Maine is going to have to purchase malpractice insurance to stay in business and that's going to be handed right on to the consumer and we're going to be in another one of these deals that means more money for the people up in these rural areas when they can do it now, without using the drugs, at all. There is an instrument, it was shown at the hearing, the actual instrument wasn't there, but a folder showing the instrument that can be purchased that will do and provide this very service and save everyone, everyone including the optometrist, a lot of headaches down the road.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: I'd like to touch on a few points that haven't been mentioned and maybe rebut a few of the points that have.

I would like to point out that presently in eight states, optometrists are allowed to use diagnostic drugs, such as this bill contains. In Rhode Island and Pennsylvania, they are allowed specifically by legislation, in Idaho, Minnesota, Nevada, Indiana, Florida, New Jersey, they're allowed because they aren't prohibited and also, Tennessee has just been allowed now that it has just been changed, so it is nine states and as near as our research can tell, there haven't been any problems involved in this. I talked with the Director of the Bureau of Health in Rhode Island and they have no cases of any reported problems down there. They had a court case down there which the ophthalmologist, after the law was passed, took him to the State Supreme Court and the court threw it out or ruled against the

ophthalmologist saying that they were interested only in economic factors not the health of the people involved. There were many letters, Maine letters from M.D.'s throughout the state who supported this, the optometrists physician, they supported this because they realized that there was a great need for this type of screening to be done, and that the optometrists were more than capable to do it.

The gentleman from Sanford has talked about tests for glaucoma, it's true you can test if you hold your hand up like so, and see if you don't have any blind spots or stuff like this but what we're talking about is the test for the presence or the fact that you may be susceptible to glaucoma due to the angle of the closure in your eye. I'm not sure, I can't exactly describe it, technically, but, basically, you may not have glaucoma, but you may be susceptible to it and this will aid in that detection so that the optometrist can either refer you to an ophthalmologist or at least explain to you the steps you can take to keep checking so that you don't come down with glaucoma.

The gentleman from Hope, Mr. Sprowl has mentioned that the optometrists have considerable amount of schooling in Pharmacology and I'd just like to review that for you so you understand. I have part of a letter here from the University of Tennessee and their school, the Southern College of Optometry, the optometrists who graduate from that school have a total of 126 hours in Pharmacology. They still then, have to take the 72 hours of Pharmacology that will be required by this bill. In comparison to that, a dentist at the University of Tennessee Center for Health Sciences only gets 70 hours of Pharmacology, in medicine the University of Tennessee Medical Units only 187 hours, in Podiatry, 176; and an osteopath only 156; along with these 126 hours of Pharmacology, there are also many hours of clinical work involved in this and many of the other schools in optometry have the same amount of Pharmacology but I still would like to remind you that they still have to take this 72 hours of Pharmacology to qualify to use the diagnostic drugs.

As far as the instrument that is available, we were told there was an instrument available, we were told about this, yet, there was never any follow-up on this, I never got any information on this, I never was able to find any other information on this except some press releases that said there were instruments that were being tested and had not been perfected yet. I'm still not absolutely sure on this instrument, it was mentioned at the hearing and that was it. There was never any other mention about it except some press releases, as I said, that were sent to us that said the instrument was still being tested and hadn't been perfected so I think that if you follow what has happened in other states and the information that we have received as regards to the strength of the dosage that the various optometrists would be using, I don't think we have any fear to worry about any adverse reactions. I know that I think for the most part that when we had this bill in committee, I wanted to support the optometrists but throughout most of the months that we had it, I was not going to because I was not convinced but as I read over and re-read the material and I talked to our assistants who were researching this, I became convinced that this would be the better interest of the health of people of the State of Maine. It would allow a much

more comprehensive screening program for a variety of problems but the main one, being glaucoma, and I sincerely hope that you will support this bill and go against the move to indefinitely postpone it.

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

MR. NORRIS: Mr. Speaker Members of the House: Just to answer my good friend, Rep. Goodwin, they did have a brochure at the hearing of an instrument that is available and can be purchased and I would be happy within a few hours to furnish him with that brochure that is available that they can buy. Now, I admit that it is a fairly expensive piece of equipment, there's no question about that, but if we're talking about the eye health of one person out of five thousand or one person out of ten thousand or one person in 30 thousand, certainly that would be the best route to take. One other thing I would say, that certainly the good gentleman, Rep. Lovell, when it comes to drugs, should have a much firmer foundation in the good use and bad use of them, certainly than any of the laymen here in the House and I include myself there so certainly his debate should count for something when you're talking about administering drugs of any type.

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

MR. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Norris of Brewer has brought up a very good point and it is a point that I was also concerned with.

I thought if there is a machine that will do this, then why should we take a chance on drugs so I called my optometrist, I don't have glasses so he doesn't fit me to glasses, but I do have two girls who wear glasses, I called Mr. Hodgkins in Rockland and I said, "Do you have a puff machine or do you have a machine that is called a puff machine?". He does have one and it costs thousands of dollars and he tells me that it isn't effective, isn't effective and costs thousands of dollars.

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

MR. LAPOINTE: Mr. Speaker and Men and Women of the House: There has been a lot of testimony by both proponents and opponents to this particular measure this afternoon on the House floor.

I think the thing that concerns me is that a lot of people are not definitely sure, a lot of reference has been made to the committee staff who researched this particular bill and what I've attempted to do is talk to the committee staff and discuss this issue with, said to me, that I did discuss this issue with, said to me, that it would be very difficult to make a firm and decisive or draw a firm and decisive conclusion based upon the evidence that was presented by both the ophthalmologists and the optometrists. In essence, it seems to me and it appears to me and I think it appears to some members of the committee that what we have is two competing professional groups who are in the business of different degrees of responsibility of tending to the eye care needs of the people of the state of Maine but I think it's important to point out the admonition that the committee staff at least gave to me, that it would be difficult to draw a firm and decisive conclusion relative to this particular issue.

As a result of this I did a little research of my own and dug out the definition of

professional optometrist from a variety of sources. I would like to share with you some of these definitions. The Department of Health, Education and Welfare defines the optometrist as a licensed non-medical practitioner who measures refractive errors, that is irregularities in the size or shape of the eyeball or surface of the eyeball, and eye muscle disturbances. In his treatment, the optometrist uses glasses, prisms and exercises only. The U.S. Department of Labor further states that the optometrist endeavors to conserve or improve without the use of medicine, drug or surgery, test finished lenses to insure performance to prescription using lens testing machine. The occupational outlook handbook, which is published also by the Department of Labor and sent to a number of guidance counselors and libraries across the country, defines an optometrist as a person whose function is to safeguard and improve vision by prescribing eye glasses or other treatment that does not require drugs or surgery. Webster's New World Dictionary describes optometry as concerned with the examination of the eyes without the use of drugs or medicine. Finally the Encyclopedia Britannica which is as we all well know is widely accepted as a source of unimpeachable information offers these enlightened facts concerning optometry, a non-medical profession concerned with the determining of the refraction of the eye is not concerned with the diseases of the eye and should not be confused with the ophthalmologist also referred to as an oculist who is a physician with training in everything pertaining to the eye.

I think these, basically, are some of the things that concern me relative to this particular bill and that is the training of the optometrist as it relates to this particular bill.

Recently there was a court case in Colorado, in February 1975, in Denver, which indicated that the decision to create that glaucoma is a disease and can be diagnosed only by medical doctors and not by optometrists. Detecting and diagnosing glaucoma are the same. Furthermore, as a result of being concerned about this particular bill, I did take it upon myself, as an individual, to discuss this particular measure with the director of the Bureau of Health within the Department of Health and Welfare, Dr. Peter Leadley. Dr. Leadley has suggested that this particular bill, as written, does not really give him the necessary sorts of controls that he feels should be required if he as a substitute for the Commissioner of Health and Welfare is going to have some control in the practices that would be called for in this particular legislation. I think primarily my concern is one of the unknown and not being sure of what would happen if optometrists were given these sorts of topical drugs.

I hope that you would go along with the motion to indefinitely postpone this bill.

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 Sanford, Mr. Gauthier.

MR. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like

to pair my vote with Representative Quinn, if he were here he would vote for the bill, and I am voting against it.

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, wishes to pair his vote with the gentleman from Gorham, Mr. Quinn. If the gentleman from Gorham, Mr. Quinn, were present, he would be voting nay, and if the gentleman from Sanford were voting, he would be voting yea.

The SPEAKER: The pending question before the House is the motion of the gentleman from Sanford, Mr. Lovell, that L. D. 556 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Call, Carey, Carter, Curran, R.; Doak, Farley, Farnham, Finemore, Greenlaw, Henderson, Higgins, Hunter; Kelleher, Laffin, LaPointe, Littlefield, Lizotte, Lovell, Maxwell, McMahon, Najarian, Norris, Pearson, Perkins, S.; Post, Rideout, Rollins, Stubbs, Tarr, Torrey.

NAY — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carpenter, Carroll, Chonko, Churchill, Clark, Conners, Cooney, Cox, Curran, P.; Curtis, DeVane, Dow, Durgin, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Hall, Hennessey, Hinds, Hobbins, Hughes, Hutchings, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kani, Kauffman, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McBreairey, McKernan, Miskavage, Mitchell, Morton, Mulhern, Nadeau, Palmer, Peakes, Pelosi, Peterson, P.; Peterson, T.; Pierce, Raymond, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Susi, Talbot, Teague, Theriault, Tozier, Twitchell, Usher, Walker, Wilfong, Winship, The Speaker.

ABSENT — Bowie, Connolly, Cote; Dam, Davies, Drigotas, Dudley, Dyer, Gauthier, Hewes, Immonen, Jacques, Mills, Morin, Powell, Quinn, Tierney, Truman, Tyndale, Wagner, Webber.

Yes, 32; No, 98; Absent, 19; Paired, 2.

The SPEAKER: Thirty-two having voted in the affirmative and ninety-eight in the negative with nineteen being absent and two paired, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-217) was read by the Clerk.

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

House Amendment "A" to Committee Amendment "A" (H-665) was read by the Clerk.

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

Mr. LaPointe: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would accept this amendment which would delete the drug mydriatics. Mr. Lovell has pointed out that most of these drugs are serious. However, the least serious of them all is the topically applied anesthetic drug which would lessen any sort of dangers or any sort of particular problems from reactions as a result of being administered by optometrists and I hope you will accept this amendment.

The SPEAKER: The Chair recognizes

the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEachern: Mr. Speaker, I move that we indefinitely postpone 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 hate to keep going over this bill but basically I would like to touch on what mydriatics do so that you will understand it. It is used to enlarge the pupil of the eye so that you can get a clearer and better picture or look behind the pupil of the eye to see if there are any problems developing. I did have our committee assistant do some investigating into some of the stated adverse reactions to mydriatics and in the potency that the optometrists in the state would be using, they were not able to find any of the adverse reactions that were so stated. I can go down through this list from various textbooks or articles cited and Representative Curran from Portland has already mentioned a couple of them, but basically let me just sum up what they say. The discussion indicates no evidence of either local or systematic side effects, no systematic side effects after topical use from the toxicology of the eyes, drugs, chemicals, plants and venoms from W. Morton Grant, M. D., page 58, appears to be safe, suitable as an aid to examination of the eye and open angle glaucoma, etc., etc.

I do hope that you go along with the indefinite postponement of this amendment. I feel that the mydriatics, as was explained, are not harmful if used in the proper dosage. I feel we won't have any problems in the State of Maine.

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

Mr. Curran: Mr. Speaker, Ladies and Gentlemen of the House: Just one more word on the mydriatics. A report here — last March, the Harvard University computer literature service became available. This search covered all articles published in medical literature throughout the world in the last ten years. One of the mydriatics that the optometrists would like to use, and in this particular case here, we are talking about 10 percent solutions. They only want a 2.5 percent. But the computer search showed that in the entire world in the last 10 years, there were only 10 cases of adverse effects, and that was at the 10 percent level.

I submit to you, if you follow the logic that the gentleman used earlier, Mr. Norris, if one person gets hurt, most of the medicine that we practice in this country would have to cease.

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

Mrs. Post: Mr. Speaker, Men and Women of the House: As a member of the Health and Institutional Committee, I felt that this was not an issue that our committee was able to look into sufficiently with the number of bills that we had, and in speaking on the information that was given to us on the subject of mydriatic drugs, I must point out that this information was supplied to us by the optometrists, although it did supposedly come from the — was a summary from the Joint Health Care Committee from Massachusetts, but I think we need to look at where this information came from

It is just one thing, and perhaps we can

say there is a need to require to allow in this state for an optometrist to use topical anesthetics, because this will help with the early screening of glaucoma, which is a very serious disease and one which is obviously hard for one to detect in themselves. But I see no compelling reason at this point to also authorize the use of mydriatic drugs. So I would hope you would oppose the motion of indefinite postponement of this so we can have the amendment to amend out this particular mydriatic drug so that our whole committee will be able to take a closer look into it and at least myself as a nurse and Mr. Lovell as a pharmacist would be able to work on this bill with a little bit surer feeling about what we are doing.

The SPEAKER: The pending question is the indefinite postponement of House Amendment "A" to Committee Amendment "A". The Chair will order a vote. All in favor of indefinite postponement of this amendment will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading tomorrow.

Off Record Remarks

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

Bill "An Act to Make Available Wood Fuel for Low-Income Citizens. (Emergency) (H. P. 1228) (L. D. 1754)

Tabled — June 6, by Mr. Rolde of York.

Pending — Adoption of House Amendment "A" (H-664) to Committee Amendment "A" (H-523).

On motion of Mr. Palmer of Nobleboro, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and specially assigned for Wednesday, June 11.

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

Bill "An Act Authorizing the Licensing of Indoor Tennis Clubs, Indoor Skating Clubs and Golf Course Clubs for the Sale of Alcoholic Beverages without Requiring the Sale of Food" (H. P. 1631) (L. D. 1906)

Tabled — by Mr. Faucher of Solon.

Pending — Motion of Mr. Maxwell of Jay to accept the Majority "Ought to Pass" Report.

On motion of Mr. McKernan of Bangor, retabled pending the motion of Mr. Maxwell of Jay to accept the Majority Report and tomorrow assigned.

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

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

Tabled — by Mr. Birt of East Millinocket

Pending — Passage to be enacted.

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

Mr. Birt: Mr. Speaker, I am going to hope that someone will table this, but I would like to just briefly give you a little explanation of what I found was involved in this.

There are costs involved in this. The bill itself has very minor language, but

actually involved in the cost of this because of the change in the valuation as to how it relates to the formula of the present law, there is a price tag of about \$3 million on this bill. I think we may want to take a look at it and see just what we want to do with funding, and I would hope we could table it for a day until we get a chance to do that looking over.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the gentleman knows what he is doing, or he wouldn't have made the speech he did, because this right here, do you want to take the cost from out little towns, do you want the little towns to pay to finance a budget of the state? Well, if you turn this bill down, that is just what you are doing. They doubled the valuation of this state when we had three tenths of a mill and six tenths of a mill and so on and so forth to cover our public assistance and we had the amount on the schools and things like that. What did they do. They turn around and they double the valuation, which means twice as much. Every cent, ladies and gentlemen of the House, that you are taking here, leaving in this bill, every cent you are taking out of the small towns, and the big towns, the cities and everyone else. This means on everything. On everything they raised it, they doubled it on every one we had, even on your veterans exemptions the same thing happened; on state relief the same thing happened. Do we want to do that? Do we want this afternoon to double it and send this cost right back to the towns and turn around and put the money in the Governor's budget? I don't want to, ladies and gentlemen, and if anyone else in this House can dispute me on what I am saying, I would like to hear them do it.

I think Mr. Susi, the gentleman from Pittsfield, the gentleman from Farmington, Mr. Morton, the gentleman from Brewer, Mr. Cox, will back me up on this. We don't want to do that. I say this afternoon that if someone tries to table this, let's vote against it. Let's pass this to be enacted, because it really should be enacted as an emergency measure. If we don't, we are going to be caught the first of July paying double in the towns. you must remember, they took the valuation from 50 percent to 100 percent, and if you want to finance the state budget, all right, vote for it, but if you don't want the little towns and the cities to pay for this, then enact this bill.

Thereupon, Mr. Birt of East Millinocket moved that this Bill be tabled for one legislative day.

Mr. Finemore of Bridgewater requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, that this bill be tabled for one legislative day pending passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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 in the affirmative and 6 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 following tabled and later today assigned matter:

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

Tabled — by Mrs. Morin of Old Orchard Beach

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 the entire elected membership of the House. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

111 having voted in the affirmative and 8 having in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

An Act Designating Family Day Care as a Priority Social Service (H. P. 1207) (L. D. 1500)

Tabled — by Mr. Rolde of York.

Pending — Passage to be enacted.

On motion of Mrs. Goodwin of Bath, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

The same gentlewoman offered House Amendment "A" and moved its adoption. House Amendment "A" (H-684) was read by the Clerk.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was almost about to be enacted, we discovered that first there were two errors in a couple of sections of the engrossed copy which would not have accomplished the purpose of the bill and we also discovered that certain provisions for state and non-state shares of funding would be in conflict with the PSSP (Priority Social Service Program) emergency enactor which we enacted this morning. So the purpose of this amendment is to try to clean up the language. One, to accomplish the purpose of the original bill, which was the inclusion of family day care as a priority social service; also to accomplish the purpose of the conference committee, which was to say that any funding for family day care would not work to the detriment of developmental day care or any other program under this legislation and also to make sure that this could be consistent with the funding provisions in L. D. 1768, the priority social service program which we enacted this morning.

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

Mr. JALBERT: Mr. Speaker, I am just rising on a point of parliamentary procedure, and I am only doing it because I don't want anything to happen later on. If the move against acceptance of the conference committee report after it has been accepted succeeds here, doesn't it have to go back into the other branch in non-concurrence?

The SPEAKER: The Chair would advise that that is the fact, and if the amendment is adopted, it will go back in non-concurrence.

Thereupon, House Amendment "A" was adopted.

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

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

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

Tabled — by Mr. Carey of Waterville.

Pending — His motion to indefinitely postpone the Bill and all accompanying papers.

Thereupon, Mr. Carey of Waterville withdrew his motion for indefinite postponement.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CAREY: Mr. Speaker and Members of the House: It is the intention of Mr. Dam of Skowhegan to speak on this measure. He has been unable to make it here today, and I would certainly hope that someone might table this for one day.

Thereupon, on motion of Mr. Lizotte of Biddeford, tabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following tabled and later 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 — by Mr. Morton of Farmington
Pending — Passage to be engrossed as amended.

On motion of Mr. Doak of Rangeley, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

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

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

The following Communication:
The Senate of Maine
Augusta

June 9, 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 Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay (H. P. 1154) (L. D. 1448).

The Senate also voted to Insist and Join in a Committee of Conference on Bill, "An Act Pertaining to the Choice of Counsel Retained to Perform a Title Search" (H. P. 1135) (L. D. 1430).

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

The Communication was read and ordered placed on file.

Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Strengthen the Maine Criminal Statute on Embezzlement" (S. P. 451) (L. D. 1510)

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

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Provide Lifeline Electrical Service for Older Citizens" (S. P. 8) (L. D. 20)

Report was signed by the following members:

Messrs. CYR of Aroostook
GREELEY of Waldo
of the Senate.

Mrs. SAUNDERS of Bethel
TARR of Bridgton
Messrs. LITTLEFIELD of Hermon
LUNT of Presque Isle
NADEAU of Sanford
LEONARD of Woolwich
BERRY of Buxton
of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-255) on same Bill.

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
of the Senate.
Messrs. SPENCER of Standish
KELLEHER of Bangor
GRAY of Rockland
of the House.

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

In the House: Reports were read.

Mr. Kelleher of Bangor moved that the House accept the Minority "Ought to Pass" Report in non-concurrence.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House accept the Minority "Ought to Pass" Report in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mrs. Goodwin of Bath 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 gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: The purpose

of this original bill, before the amendment, was to try to provide basic electrical necessities for our elderly, such as lights and refrigeration, at a cost which they could afford. That is that the first 500 kilowatt hours would be at three cents per kilowatt hour. In other words, it would encourage them to use as little electricity as possible. The "ought to pass" report as amended by committee amendment "A" just would establish a demonstration lifeline service in six areas for a period of 12 months so that we can see whether or not indeed such a program would work. If the elderly were offered lower rates for the first 500 hours, would they conserve electricity and would such a program work and would in fact such a program be workable for other low income people in the future?

The bill as it now stands, if you accept the "ought to pass" report, will not establish this as a permanent thing. It will merely set up six demonstration areas, two in small towns and three in larger towns in the various service areas such as Bangor Hydro, Central Maine Power and Maine Public Service. I would urge you to adopt the "ought to pass" report and let's at least give this a try. I have been trying now I believe since 1970 to do something about electrical aid for the elderly, even gone so far as to try to get a 50 percent reduction in utility rates. I know that is not workable without some kind of state subsidy for such a program, but I think that this is reasonable. I hope that you will accept the "ought to pass" report.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I am on the Majority "Ought not to pass" Report, and the reason I am on there is not that I don't think maybe the older people are deserving of consideration, but the concept is wrong because we are taking a public utility, a private industry, and we are using it in a form of a welfare program. That in itself is wrong. If the older people are in need of assistance, then we should certainly provide that assistance for those people via taxation or something like that on the state level, but we should not, in my opinion, ever take a public utility and try to manipulate it into a welfare program.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It wasn't my intention, when I signed the minority report, to put the utilities into the welfare business. I might submit to this House that there are six or seven other states that have similar pilot projects to demonstrate to see if there is a reasonable program that can be implemented on a state-wide basis. I was somewhat concerned about going statewide with a program such as this. I talked to the sponsor of the bill and other members of the committee, and we came up with what we call a program to demonstrate if in fact it is possible to implement an L.D. such as this.

I urge the House to support the remarks made by the gentlewoman from Bath, Mrs. Goodwin, and support the minority report.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: It most certainly is difficult to speak against what the gentlelady in the front row wants, and certainly is most difficult to speak against

a bill that sounds as good as this one does, but I submit that it goes a little deeper than just sounding good.

Just to start with, who is going to pay what the elderly don't pay? The answer is the other rate payers, naturally. There are several questions that bothered me on this particular bill, such as who will determine who is 62 years old, who will do the paper work? At the public hearing on this bill, it was determined that the PUC would do the paper work, and the PUC right now just doesn't have room to do any more paper work.

When does a person become 62? Who finds that out? When does a person at 62 become a resident in the State of Maine? When they move in? Who knows? Nobody could tell us at the public hearing.

I really hate to oppose this type of bill, but I am just going to.

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

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I really hate to stand up and speak against this bill. The other day Mr. Finemore told me I voted against everything that was good, and I really hate to do that, but I am concerned with this bill. I really don't think this is the vehicle that we should be using. I do think that the other people who are not getting their electrical rate at three cents per kilowatt, you are going to have to pay that bill, and the way the bill reads, it isn't based on need, you just have to be 62 years old and there are a lot of problems with it. I don't think that we should use our public utilities for welfare either, and I urge you to vote against the bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House accept the Minority "Ought to pass" Report in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W., Berube, Blodgett, Boudreau, Bustin, Carroll, Carter, Chonko, Clark, Cooney, Cox, Curran, P., Curtis, DeVane, Dow, Farley, Faucher, Flanagan, Fraser, Goodwin, H., Goodwin, K., Gould, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegnieri, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Mahany, Martin, R., Mitchell, Mulken, Najarian, Norris, Pearson, Pelosi, Peterson, T., Pierce, Post, Rolde, Shute, Smith, Spencer, Strout, Stubbs, Talbot, Theriault, Usher, Wilfong, Winship.

NAY — Berry, P. P.; Birt, Burns, Byers, Call, Carey, Carpenter, Churchill, Connors, Doak, Drigotas, Durgin, Farnham, Fenlason, Finemore, Garsoe, Gauthier, Gray, Higgins, Hinds, Hunter, Hutchings, Jackson, Kauffman, Kelley, Lavery, Leonard, Lewis, Littlefield, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Maxwell, McBairty, McKernan, McMahon, Miskavage, Morton, Nadeau, Palmer, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rideout, Saunders, Snow, Snowe, Sprowl, Susi, Tarr, Torrey, Tozier, Twitchell, Walker.

ABSENT — Bowie, Connolly, Cote, Curran, R.; Dam, Davies, Dudley, Dyer, Hewes, Immonen, Jacques, Lewin, Lynch, Martin, A.; Mills, Morin, Powell, Quinn, Rollins, Silverman, Teague, Tierney, Truman, Tyndale, Wagner, Webber.

Yes, 65; No, 59; Absent, 26.

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

June 9, 1975

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

Thereupon, the Bill was read once. Committee Amendment "A" (S-255) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act Relating to Funding of Richmond Schools for 1975" (H. P. 1667) (L. D. 1920) which was referred to the Committee on Education in the House on June 5.

Came from the Senate under suspension of the rules the Bill passed to be engrossed without reference to a Committee in non-concurrence.

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

Bill "An Act Relating to Transfer of Offenders Among Correctional Institutions, Residential Facilities and Programs" (H. P. 827) (L. D. 1010) which was passed to be engrossed as amended by Committee Amendment "A" (H-483) in concurrence on May 28 and was enacted in the House on June 3.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-483) as amended by Senate Amendment "A" (S-277) thereto in non-concurrence.

In the House: On motion of Mr. Goodwin of South Berwick, the House voted to recede and concur.

Bill "An Act Concerning the Filling of the Office of Register of Deeds" (H. P. 856) (L. D. 1070) which was passed to be engrossed as amended by Committee Amendment "A" (H-527) as amended by House Amendment "B" (H-675) thereto in the House on June 6.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-527) in non-concurrence.

In the House: On motion of Mr. Mulkern of Portland, the House voted to recede and concur.

The following Communication: (S. P. 562)

STATE OF MAINE
SENATE CHAMBER
AUGUSTA

June 6, 1975

The Honorable Joseph Sewall
President of the Senate
Augusta, Maine

Dear Mr. President:

In accordance with Joint Legislative Order dated March 24, 1975 (Senate Paper 391) establishing the Joint Select Committee on Jobs I enclose herein the first report of the committee for presentation to the 107th Legislature.

Respectfully submitted,

Signed:

BRUCE M. REEVES
Chairman

Joint Select Committee on Jobs

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

The following Communication appearing on Supplement No. 3 was taken up out of order by unanimous consent:

The following Communication:

To the Members of the House of Representatives and Senate of the 107th Maine Legislature:

After much deliberation, I find I cannot approve of L. D. 1474, An Act Relating to Private Visitation and Rehabilitative Process at Correctional Institutions.

I want to commend the Legislature for its humane concern for this area of rehabilitation. I also share its concern. I have spent many hours at the Maine State Prison talking over specific problems regarding rehabilitation with prison inmates and staff. I cannot, however, in good conscience, approve this bill for the following reasons:

1. There are substantial cost factors which are not considered in the wording of this legislation.

2. In essence, we are talking of conjugal visits which pose special problems as it would require additional space, facilities and manpower, all of which would add to taxpayer cost or reduce what we are able to do in other areas.

3. This law would place this state in the position of not only condoning but actually providing the facilities for certain conduct which could violate the current laws of this state.

4. This additional law would require the formulation of even more rules and regulations and places far too much discretion, and as a result — responsibility, on the shoulders of the Commissioner of Mental Health and Corrections.

5. There are already extensive furlough programs in effect which enable conjugal and family visits away from the prison environment. I favor more implementation of these furlough programs for rehabilitative purposes.

6. This legislation would seriously add to the cost as well as prove harmful to the maintenance of proper safety standards for secure as well as humanitarian security needs at our prisons here in Maine. This legislation would seriously reduce the effectiveness of control of guns or knives or other weapons and drugs and our ability to control their entrance.

7. This legislation also presents a morale factor for those responsible for policing the hazards of such traffic.

8. The legislation ensures that those inmates who are ineligible for participating in existing furlough programs must receive first priority in the allocation of time and space available for such private visits. This is not fair to those who observe the rules and could in fact unintentionally be detrimental to programs of safety and observation of prison rules and thereby hurt more than benefit in the important area of rehabilitation.

While the Legislature is to be commended for exploring the rehabilitation process, I feel this particular approach has too many negatives.

Therefore, I respectfully request the Legislature provide us the flexibility and discretion of time to move forward with those areas of correction reform recommended on a basis of a slower, more deliberate approach consistent with equal rights for those who obey the laws and the prison rules as well as the taxpayers and citizens of Maine who must have the very rights they cherish and obey protected

from those who do not. This will also allow us to more closely define the cost as well as the correct procedure we should also abide by as we strive to meet our responsibilities to the total community of Maine.

I respectfully ask the 107th Legislature to give us the time we need and sustain this veto.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The question now before the House is, shall this Bill become law notwithstanding the objections of the Governor.

On motion of Mr. Rolde of York, tabled pending the question of shall this Bill become law notwithstanding the objections of the Governor and tomorrow assigned.

On the disagreeing action of the two branches of the Legislature on Resolve Proposing Study of the Implementation of State Ferry Service on Casco Bay, House Paper 1154, L. D. 1448, the Speaker appointed the following Conferees on the part of the House:

Messrs. KELLEHER of Bangor
LaPOINTE of Portland
NORRIS of Brewer

On the disagreeing action of the two branches of the Legislature on Bill "An Act Pertaining to the Choice of Counsel Retained to Perform a Title Search," House Paper 1135, L. D. 1430, the Speaker appointed the following Conferees on the part of the House:

Messrs. PERKINS of South Portland
PEAKES of Dexter,
HIGGINS of Scarborough

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

Bill "An Act to Allow Municipal Approval of Routine Great Ponds Permits," (H. P. 662) (L. D. 836)

On motion of Mr. Rolde of York, tabled pending the adoption of Committee Amendment "A" and tomorrow assigned.

On motion of Mr. Rolde of York, the following item was taken from the Unassigned Table:

An Act to Provide Uniform Filing Deadline for Candidates for State and National Office within the State of Maine. (H. P. 1128) (L. D. 1404)

Tabled — May 19, by Mr. Rolde of York. Pending — Motion of Mr. Birt of East Millinocket to Reconsider Enactment.

Thereupon, the House reconsidered its action whereby the Bill was passed to be enacted.

On motion of Mrs. Boudreau of Portland, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-667) was read by the Clerk and adopted,

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

On motion of Mrs. Goodwin of Bath, Adjourned until nine-thirty tomorrow morning.